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No. 2.] **BILL.** [1880.

An Act to extend the powers of The City Gas Company.

Preamble.

WHEREAS The City Gas Company have, by their petition, set forth that they desire to have their powers extended, and that certain other amendments may be made in the Act or Charter relating to the said Company, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to sell gas for heating, &c.

1. It shall and may be lawful for the said Company to manufacture and sell gas for heating, cooking and other than illuminating purposes.

Power to use electric light, &c.

2. It shall and may be lawful for the said Company in substitution for gas or in connection therewith or in addition thereto to manufacture, use and sell electric, galvanic or other artificial light for the purposes set forth in their Act of Incorporation and Amending Acts, and to manufacture, store and sell heat derived from other sources than coal-gas, and also steam or other motive power obtainable by means of any illuminating or heating agent used in the manufactures of the Company.

Power to acquire patents.

3. It shall and may be lawful for the said Company, from time to time, to acquire, by purchase or otherwise, any patent or other rights for the manufacture, production, use and sale of electric, galvanic or other artificial light or illuminant or gas for heating or cooking purposes, and to sell said patent or other rights or any of them, if, in the opinion of the directors, unsuitable for the purposes of the Company.

Company to enjoy existing privileges and be subject to existing duties.

4. For the purposes of manufacturing and of distributing said light or illuminant other than gas, and of manufacturing and of distributing said gas for heating or cooking purposes, and said steam or other motive agent or power the said Company shall have and enjoy all the powers and privileges now held and enjoyed by said Company for the manufacture and distribution of gas for lighting purposes, and shall be subject to all the same duties that they are now subject to so far as the said powers, privileges and duties *mutatis mutandis* are respectively applicable for the purposes of this Act, and for the purposes of manufacturing and distributing such artificial light or illuminant other than gas, and such gas for heating or cooking purposes, and such steam or other motive agent or power as aforesaid, the said Company shall have the power, from time to time, to erect, alter, improve, enlarge, extend and renew or

discontinue works, buildings, storehouses, including places for storing such gas, light, heat or motive power, motors, generators, poles and all other machinery or apparatus upon all lands now owned, leased or used by the said Company, or hereafter to be owned, leased or used by the said Company as authorized by its charter, and to lay down, set up, maintain, renew and remove in and upon and under the streets, squares and public places of the City of London, the Villages of London East and Petersville and the Townships of London and Westminster, all wires, tubes, pipes, posts and all other apparatus to enable said Company to supply and distribute such gas or other light and steam or other motive agent or power, and all the provisions made by the said Act of Incorporation and Amending Acts for the protection of the gas to be manufactured and distributed by the Company thereunder, and for the protection of the property of the Company and the penalties and liabilities imposed thereby on any person or persons injuring the same or illegally using the same shall apply to the gas and artificial light or illuminant and steam or other motive agent or power as aforesaid which the Company are hereby authorized to manufacture and to the machinery, wires, apparatus and property of the Company required for the manufacture and distribution and use by the Company and its customers of such gas and artificial light or illuminant, steam or other motive power or agent as aforesaid: Provided that the rights and powers granted to the said Company by this section to make use of the streets and squares and public places of London, London East, Petersville, Township of London and Township of Westminster, as far as the same relate to steam or other motive agent or power or to electric, galvanic or other artificial light or illuminant other than gas, shall not be exercised except under and subject to any agreements hereafter to be made between the Company and the said municipalities respectively, or of any of them, and under and subject to any by-law or by-laws of the council or councils of the said municipalities, or of any of them, passed in accordance therewith, and as to the right to erect poles and conduct such pipes or wires for the transmission of such steam or other motive power or of electric, galvanic or other light or illuminant other than gas through, under and along private property, the same shall be subject to sections eighty-two, eighty-three, eighty-four and eighty-five of the Act respecting Joint Stock Companies for supplying cities, towns and villages with gas and water, chapter one hundred and fifty-seven, Revised Statutes of Ontario, and the said sections shall be read as forming part of this Act.

Proviso.

Provisions for amalgamation of Gas Company and City Steam Heating Company.

5. Upon the execution by the president and secretary for the time being of the City Steam Heating Company, and by the president and secretary for the time being of the City Gas Company, of a declaration to the effect that it is their intention that an amalgamation of their Companies shall take place, and upon such declaration being filed in the office of the Provincial Secretary, the City Gas Company and the City Steam Heating Company shall forthwith be amalgamated and shall merge in the City Gas Company, and all the real and personal estate, property, assets and effects and all titles, securities, instruments and evidences, and all rights and claims of or belonging to the City Steam Heating Company shall vest in the City Gas Company, and shall thenceforward for all purposes of bringing or

defending actions or suits, and for all other purposes whatsoever be deemed to be and shall be stated to be the property of the City Gas Company in the same manner and to the same extent to which the property now of the City Gas Company is taken, deemed and stated to be the property of the said the City Gas Company, and the City Gas Company shall have the same powers, rights and privileges in relation to the said property of all descriptions as the City Steam Company now have or shall have at the time of such amalgamation, but no suit, action or prosecution being carried on or power being exercised in the name of the City Steam Heating Company shall be discontinued or abated by or on account of such amalgamation, but shall continue in the name of the City Steam Heating Company, and the City Gas Company shall pay or receive like costs as if the action, suit or prosecution had been commenced or been defended in the name of the City Gas Company.

Rights of shareholders of Gas Company after amalgamation.

6. The holders of all shares which shall or may be allotted to any of the shareholders of the City Gas Company after such amalgamation shall in all things be subject to the same rules and entitled to the same rights as the original shareholders of the City Gas Company.

Directors of amalgamated Company.

7. The directors of the City Gas Company shall be the directors of the said amalgamated Company, and shall hold office till the next annual meeting of the City Gas Company.

Provision as to creditors of City Steam Heating Company.

8. The creditors of the City Steam Heating Company shall, upon such amalgamation, be and become, to all intents and purposes, creditors of the City Gas Company, and shall have and be entitled to the same rights and privileges as creditors of the City Gas Company.

Act to be approved by shareholders.

9. This Act shall be subject to and shall not come into force or effect until approved of by a vote of two-thirds of the shareholders of each of the said Companies present in person or by proxy at meetings of the said Companies to be specially called for that purpose, and such approval, if given at all, must be given within sixty days after the passage of this Act.

No. 2.

1st Session, 4th Parliament, 43 Vic., 1880.

BILL.

An Act to extend the powers of The City Gas Company.

1st Reading, 1880.

(PRIVATE BILL.)

Mr. MEREDITH.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 2.] **BILL.** [1880.

An Act to extend the powers of the City Gas Company.

WHEREAS the City Gas Company have, by their petition, set forth that they desire to have their powers extended, and that certain other amendments may be made in the Act or Charter relating to the said Company, and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall and may be lawful for the said Company to manufacture, store, and sell heat derived from other sources than coal-gas, and also steam or other motive power obtainable by means of any illuminating or heating agent used in the manufactures of the Company. Power to sell heat, steam, &c.

2. It shall and may be lawful for the said Company, from time to time, to acquire, by purchase or otherwise, any patent or other rights for the manufacture, production, use and sale of electric, galvanic or other artificial light or illuminant or gas for heating or cooking purposes, and to sell said patent or other rights or any of them, if, in the opinion of the directors, unsuitable for the purposes of the Company. Power to acquire patents.

3. For the purposes of manufacturing and of distributing said light or illuminant other than gas, and of manufacturing and of distributing said gas for heating or cooking purposes, and said steam or other motive agent or power, the said Company shall have and enjoy all the powers and privileges now held and enjoyed by said Company for the manufacture and distribution of gas for lighting purposes, and shall be subject to all the same duties that they are now subject to so far as the said powers, privileges and duties *mutatis mutandis* are respectively applicable for the purposes of this Act; and for the purposes of manufacturing and distributing such artificial light or illuminant other than gas, and such gas, for heating or cooking purposes, and such steam or other motive agent or power as aforesaid, the said Company shall have the power, from time to time, to erect, alter, improve, enlarge, extend and renew or discontinue works, buildings, storehouses, including places for storing such gas, light, heat or motive power, motors, generators, poles and all other machinery or apparatus upon all lands now owned, leased or used by the said Company, or hereafter to be owned, leased or used by the said Company as authorized by its charter, and to lay down, set up, maintain, renew and remove in and upon and under the streets, squares and public places Company to enjoy existing privileges and be subject to existing duties.

of the City of London, the Villages of London East and Petersville and the Townships of London and Westminster, all wires, tubes, pipes, posts and all other apparatus to enable said Company to supply and distribute such gas or other light and steam or other motive agent or power, and all the provisions made by the said Act of incorporation and amending Acts for the protection of the gas to be manufactured and distributed by the Company thereunder, and for the protection of the property of the Company and the penalties and liabilities imposed thereby on any person or persons injuring the same or illegally using the same, shall apply to the gas and artificial light or illuminant and steam or other motive agent or power as aforesaid which the Company are hereby authorized to manufacture, and to the machinery, wires, apparatus and property of the Company required for the manufacture and distribution and use by the Company and its customers of such gas and artificial light or illuminant, steam or other motive power or agent as aforesaid: Provided that the rights and powers granted to the said Company by this section to make use of the streets and squares and public places of London, London East, Petersville, Township of London and Township of Westminster, as far as the same relate to steam or other motive agent or power or to electric, galvanic or other artificial light or illuminant other than gas, shall not be exercised except under and subject to any agreements hereafter to be made between the Company and the said municipalities respectively, or of any of them, and under and subject to any by-law or by-laws of the council or councils of the said municipalities, or of any of them, passed in accordance therewith, and as to the right to erect poles and conduct such pipes or wires for the transmission of such steam or other motive power or of electric, galvanic or other light or illuminant other than gas through, under and along private property, the same shall be subject to sections eighty-two, eighty-three, eighty-four and eighty-five of the Act respecting Joint Stock Companies for supplying cities, towns and villages with gas and water, chapter one hundred and fifty-seven, Revised Statutes of Ontario, and the said sections shall be read as forming part of this Act.

Proviso.

Provisions for amalgamation of Gas Company and City Steam Heating Company.

4. Upon the execution by the president and secretary for the time being of the City Steam Heating Company, and by the president and secretary for the time being of the City Gas Company, of a declaration to the effect that it is their intention that an amalgamation of their Companies shall take place, and upon such declaration being filed in the office of the Provincial Secretary, the City Gas Company and the City Steam Heating Company shall forthwith be amalgamated and shall merge in *and become one amalgamated Company, to be called and known as "The City Gas and Steam Supply Company of London;"* and all the real and personal estate, property, assets and effects and all titles, securities, instruments and evidences, and all rights and claims of or belonging to the *said* City Steam Heating Company *and the said* City Gas Company, *shall thereupon vest in the said amalgamated Company,* and shall thenceforward for all purposes of bringing or defending actions or suits, and for all other purposes whatsoever be deemed to be and shall be stated to be the property of the *said amalgamated Company; and the said amalgamated Company* shall have the same powers, rights and privileges in relation to the said

property of all descriptions as the *said City Gas Company and said City Steam Heating* Company now have or shall have at the time of such amalgamation, but no suit, action or prosecution being carried on or power being exercised in the name of *either the said City Gas Company, or the said* City Steam Heating Company shall be discontinued or abated by or on account of such amalgamation, but shall continue *as if this Act had not been passed, and the said amalgamated Company* shall pay or receive like costs as if the action, suit or prosecution had been commenced or been defended in the name of the *said amalgamated* Company.

Rights of shareholders after amalgamation.

5. The holders of all shares which shall or may be allotted to any of the shareholders of the *said amalgamated* Company after such amalgamation shall in all things be subject to the same rules and entitled to the same rights as the original shareholders of the City Gas Company.

Directors of amalgamated Company.

6. The directors of the City Gas Company shall be the directors of the said amalgamated Company, and shall hold office till the next annual meeting of the *said amalgamated* Company.

Provision as to creditors of City Steam Heating Company.

7. The creditors of the City Steam Heating Company *and the City Gas Company* shall, upon such amalgamation, be and become, to all intents and purposes, creditors of the *said amalgamated* Company, and shall have and be entitled to the same rights and privileges as creditors of the *said amalgamated* Company.

Act to be approved by shareholders.

8. This Act shall be subject to *the approval of*, and shall not come into force or effect until approved by a vote of two-thirds of, the shareholders of each of the said Companies present in person or by proxy at meetings of the said Companies to be specially called for that purpose, and such approval, if given at all, must be given within sixty days after the passage of this Act.

No. 2.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to extend the powers of The City Gas Company.

(Reprinted as Amended.)

1st Reading, 21st January, 1880.

(PRIVATE BILL.)

Mr. MEREDITH

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 3.] **BILL.** [1880.

An Act to Incorporate the Bayfield and South Huron Railway Company.

WHEREAS it is deemed necessary and expedient that a Railway should be constructed from some point in the Incorporated Village of Bayfield to the Town of Clinton, in the County of Huron, or some other point on the Grand Trunk Railway; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Robert Morrison, Tudor J. Marks, Robert Barker, John Morgan, Paul Cleve, Richard Stanbury, William W. Connor, Andrew Rutledge, James Thompson, John Esson, of Bayfield, and Malcolm C. Cameron, of Goderich, together with such other persons and corporations as shall under the provisions of this Act become shareholders in the company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by and under the name and style of "The Bayfield and South Huron Railway Company." Incorporation

2. The several clauses of the Railway Act of Ontario, and the clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors," "calls," "shares and their transfer," "shareholders," "municipalities taking stock," "by-laws, notices, &c.," "working of the railway," "actions for indemnity and fines and penalties and their prosecution," and "general provisions," shall be incorporated with and be deemed to be a part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof, and the expression "this Act" when used herein shall be understood to include the clauses of the said Railway Act so incorporated with this Act. Certain clauses of the Railway Act, R. S. O. c. 165, incorporated.

3. The said company shall have full power and authority to lay out, construct and complete an iron railway from the Village of Bayfield to the Town of Clinton, in the County of Huron, or some other point on the Grand Trunk Railway with full power to pass over any portion of the county between the points aforesaid, and to carry the said railway through the crown lands (if any) lying between the points aforesaid, and have full power to diverge from a straight line on either side to the extent of mile, in order to touch any of the villages along or adjoining said route and to cross the London, Location of line.

Huron and Bruce Railway at or near Clinton, or any other point.

Provisional Directors and their powers.

4. The said Robert Morrison, Tudor J. Marks, Robert Barker, John Morgan, Paul Cleve, Richard Stanbury, William W. Connor, Andrew Rutledge, James Thompson, John Esson and Malcolm C. Cameron, with power to add to their number, shall be and are hereby constituted provisional directors of the said company, and shall hold office as such until other directors shall be elected under the provisions of this Act by the shareholders, and shall have power and authority immediately after the passing of this Act to open stock books and procure subscriptions or bonuses for the undertaking, to make calls upon the subscribers, to cause plans and surveys to be made and executed, and as hereinafter provided to call a general meeting of the shareholders for the election of directors, and with all such other powers as under the Railway Act are vested in ordinary directors.

Capital.

5. The capital stock of the company hereby incorporated shall be one hundred thousand dollars, with power to increase the same in the manner provided by the Railway Act, to be divided into shares of fifty dollars each, which amounts shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the work hereby authorized, and all the remainder of such money shall be applied to purchasing the right of way, to the equipment and completion of the said railway, and the other purposes of the Act, and to no other purpose whatever.

Aid from Municipalities.

6. It shall be lawful for any municipality or municipalities through any part of which or near which the railway or works of said company shall pass or be situated to aid or assist the said company by loaning or guaranteeing or giving money by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company, and otherwise in such manner and to such extent as such municipalities or any of them shall think expedient; provided always that such aid, loan, bonus or guarantee shall be given under a by-law for the purpose to be passed in conformity with the provisions of the act respecting municipal institutions for the creation of debts, and all such by-laws so passed shall be valid notwithstanding that such rate may exceed the aggregate rate of two cents in the dollar on the actual value of such ratable property.

Proviso.

Petitions for aid by Municipality.

7. In case a majority of the persons rated on the last assessment roll as freeholders in any portion of a municipality defining the metes and bounds of the section of the municipality within which the property of the petitioners is situated, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus or donation to the said company for the purpose, and stating the amount which they so desire to give and grant and to be assessed for, the council of such municipality shall pass a by-law :

1. For raising the amount so petitioned for by the freeholders in such portion of the municipality by the issue of debentures of the municipality, payable in twenty years or earlier, and for the payment to the said company of the amount of said bonus or donation at the time and on the terms specified in the said petition:

2. For assessing and levying upon all the ratable property lying within the section defined by the said petitioners an annual special rate sufficient to include a sinking fund for the repayment of debentures with the interest thereon, which municipal councils are hereby authorized to execute and issue in such cases respectively, provided the said by-law shall be approved of as in sections two hundred and twenty-six, two hundred and twenty-seven, and two hundred and twenty-eight of the Municipal Act of one thousand eight hundred and sixty-six, chapter fifty-one, by the majority of qualified electors in the portion of the municipality petitioning as aforesaid. Proviso.

Trustees of debentures.

8. Whenever any municipality or portion of a municipality shall grant a bonus to aid the said company in the making, equipping and completion of the said railway the debentures thereof may, at the option of the said municipality, within six weeks after the passing of the by-law authorizing the same be delivered to three trustees, to be named one by the municipality granting the same, one by the said company, and one by the Lieutenant-Governor in Council, all the trustees to be residents of the Province of Ontario, and in the event of the Lieutenant-Governor neglecting to appoint the said trustee within one month after a notice in writing of the other two being appointed, then the said company and said municipality shall do so.

Appointment of new trustees.

9. Any trustee appointed may be removed and in such case or in case of death or resignation, a new trustee may be appointed in his place at any time by the consent of the said municipality, the Lieutenant-Governor, and the company.

Trust of debentures.

10. The said trustees shall receive the said debentures in trust; firstly, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some chartered bank having an office in the County of Huron, in the name of the "Bayfield and South Huron Railway Company, Municipal Trust Account," and to pay the same out to the said company, from time to time, on the certificate of the chief engineer of the said railway, in the form set out in Schedule A hereto, or to the like effect.

Validity of acts of two trustees.

11. The act of any two of such trustees shall be as valid and binding as if the three had agreed.

Meeting for election of directors.

12. So soon as one-fifth part of the capital stock shall have been subscribed as aforesaid and twenty per centum paid thereon, and deposited in one of the chartered banks in the County of Huron for the purpose of said company, the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up twenty per centum thereof, for the purpose of electing directors of the said company.

Notice of meeting.

13. The notice of the time and place of holding such general meeting shall be given by publication in one paper published in the County of Huron and in the *Ontario Gazette*, once in each week for the space of one month.

Business of meeting.

14. At such general meeting the subscribers for the capital stock assembled who shall have so paid up twenty per centum thereof with such proxies as may be present, shall choose nine persons to be directors of the said company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Qualification of directors.

15. No person shall be qualified to be elected as such director by the shareholders unless he represent at least ten shares in the company and unless all calls thereon have been paid.

Ex-officio directors.

16. The provisional or other directors of the said company are hereby authorized to constitute the head of any municipality subscribing for stock or granting bonuses an *ex-officio* director in said company, should the amount of aid granted by said municipality be sufficient in the discretion of said directors to entitle the said municipality to a representative on said board of directors, and said representative shall be entitled to vote.

Votes.

17. In the election of directors under this Act and in the transaction of all business at general shareholders' meetings, each shareholder shall be entitled to vote either in person or by proxy, and shall be entitled to as many votes as he holds shares paid up at the time of such meeting.

Quorum.

18. At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, five directors shall form a quorum for the transaction of business.

Calls.

19. The directors may at any time call upon the shareholders for such instalments upon each share which they or any of them may hold in the capital stock of said company, and in such proportion as they may see fit, except that no such instalment shall exceed ten per centum of the subscribed capital, and that thirty days' notice of each call shall be given in such manner as the directors shall think fit.

Form of conveyances.

20. Conveyances of lands to the said company for the purpose of this Act may be made in the form set out in the Schedule B hereunder written or to the like effect, and such conveyance shall be registered by duplicate thereof in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than fifty cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicate thereof.

Gauge.

21. The gauge of the said railway shall not be less than three feet six inches.

22. It shall be lawful for the said company to enter into any agreement with any other railway company for selling, leasing, or hiring this road or any part thereof, or for buying, leasing, or hiring from such other company any railway or part thereof, or any locomotives, tenders or moveable property, and generally to make any agreement or agreements with such other company for the amalgamation or use of one or the other or by both companies of the railway, or moveable property of either or of both, or any part thereof, or for any service to be rendered by the one company to the other, and the compensation therefor, and every such agreement shall be valid and binding and shall be enforced by courts of law according to the terms and tenour thereof, and in case of sale or lease any company buying or leasing the same shall be and is hereby empowered to exercise all the rights and privileges in this charter conferred; provided always that before any such agreement for the sale, lease, hiring, or amalgamation as aforesaid shall be binding, it shall be ratified by a vote of at least two-thirds of all the stockholders legally entitled to vote. Agreements with other Railways. Proviso.

23. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, or for constructing, maintaining and using the said railway, the company may purchase, hold, use, or enjoy such lands and also the right of way thereto, if the same be separated from their railway, and sell and convey the same or part thereof from time to time as they may deem expedient, and may also make use of for the purpose of the said railway the water of any stream or watercourse over or near which the said railway passes, doing however no unnecessary damage thereto and not impairing the usefulness of such stream or watercourse. Power to acquire lands.

24. The said railway shall be commenced within two years, and completed within seven years after the passing of this Act, or else all rights and privileges conferred upon the said company by this Act shall be forfeited. Commencement and completion of Railway.

SCHEDULE "A."

Chief Engineer's Certificate.

THE BAYFIELD AND SOUTH HURON RAILWAY COMPANY'S OFFICES, Engineer's Department, A.D. one thousand eight hundred and

No.

Certificate to be attached to check drawn on the Bayfield and South Huron Municipal Trust Account and given under section of chapter Victoria.

I, , Chief Engineer for the Bayfield and South Huron Railway, do hereby certify that there has been expended in construction of Mile No. , the said milage being numbered consecutively from , the sum of dollars to date, and that the total amount due for the same from the said Municipal Trust Account, amounts to the sum of dollars, which said sum of dollars is now due and payable as provided by said Act.

SCHEDULE "B."

Know all men by these presents that I (*or* we) (*insert also the name of wife or any other person who may be a party*) in consideration of dollars paid to me (*or as the case may be*) by the Bayfield and South Huron Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I the said do grant and release, or do bar my dower in (*as the case may be*) all that certain parcel (*or*) those certain parcels (*as the case may be*) of land, situate (*describe the land*) the same having been selected and laid out by the said company for the purpose of their railway, to hold with the appurtenances unto the said Bayfield and South Huron Railway Company, their successors and assigns.

As witness my (*or* our) hand and seal (*or* our hands and seals) this day of one thousand eight hundred and

Signed, sealed and delivered in the presence of } [L. S.]

No. 3.

1st Session, 4th Parliament, 43 Vic., 1880.

BILL.

An Act to Incorporate the Bayfield and South Huron Railway Company.

First Reading, 1880.

(PRIVATE BILL.)

Mr. BISHOP.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

No. 3.] BILL. [1880.

An Act to incorporate the Bayfield and South Huron Railway Company.

Preamble.

WHEREAS it is deemed necessary and expedient that a Railway should be constructed from some point in the Incorporated Village of Bayfield to the Town of Clinton, in the County of Huron, or some other point on the Grand Trunk Railway;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. Robert Morrison, Tudor J. Marks, Robert Barker, John Morgan, Paul Cleve, Richard Stanbury, William W. Connor, Andrew Rutledge, James Thompson, John Esson, of Bayfield, and Malcolm C. Cameron, of Goderich, together with such other persons and corporations as shall under the provisions of this Act become shareholders in the company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by and under the name and style of "The Bayfield and South Huron Railway Company."

Location of line.

2. The said company shall have full power and authority to lay out, construct and complete an iron railway from the Village of Bayfield to the Town of Clinton, in the County of Huron, or some other point on the Grand Trunk Railway with full power to pass over any portion of the country between the points aforesaid.

Provisional Directors and their powers.

3. The said Robert Morrison, Tudor J. Marks, Robert Barker, John Morgan, Paul Cleve, Richard Stanbury, William W. Connor, Andrew Rutledge, James Thompson, John Esson and Malcolm C. Cameron, with power to add to their number, shall be and are hereby constituted provisional directors of the said company, and shall hold office as such until other directors shall be elected under the provisions of this Act by the shareholders, and shall have power and authority immediately after the passing of this Act to open stock books and procure subscriptions or bonuses for the undertaking, to make calls upon the subscribers, to cause plans and surveys to be made and executed, and as hereinafter provided to call a general meeting of the shareholders for the election of directors, and with all such other powers as under the Railway Act are vested in ordinary directors.

Capital.

4. The capital stock of the company hereby incorporated shall be one hundred thousand dollars, with power to increase the same in the manner provided by the Railway Act, to be

divided into shares of fifty dollars each, which amounts shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the work hereby authorized, and all the remainder of such money shall be applied to purchasing the right of way, to the equipment and completion of the said railway, and the other purposes of the Act, and to no other purpose whatever.

Aid from Municipalities.

5. It shall be lawful for any municipality or municipalities through any part of which or near which the railway or works of said company shall pass or be situated to aid or assist the said company by loaning or guaranteeing or giving money by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company, and otherwise in such manner and to such extent as such municipalities or any of them shall think expedient; provided always that such aid, loan, bonus or guarantee shall be given under a by-law for the purpose to be passed in conformity with the provisions of the act respecting municipal institutions for the creation of debts, and all such by-laws so passed shall be valid notwithstanding that such rate may exceed the aggregate rate of two cents in the dollar on the actual value of such ratable property.

Proviso.

Petitions for aid by Municipality.

6. In case a majority of the persons rated on the last assessment roll as freeholders in any portion of a municipality *do petition the council of the said municipality to pass a by-law, in such petition* defining the metes and bounds of the section of the municipality within which the property of the petitioners s situated, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus or donation to the said company for the purpose, and stating the amount which they so desire to give and grant and to be assessed for, the council of such municipality shall pass a by-law :

(1.) For raising the amount so petitioned for by the freeholders in such portion of the municipality by the issue of debentures of the municipality, payable in twenty years or earlier, and for the payment to the said company of the amount of said bonus or donation at the time and on the terms specified in the said petition :

(2.) For assessing and levying upon all the ratable property lying within the section defined by the said petitioners an annual special rate sufficient to include a sinking fund for the repayment of debentures with the interest thereon, which municipal councils are hereby authorized to execute and issue in such cases respectively, provided the said by-law shall be approved of as in sections two hundred and twenty-six, two hundred and twenty-seven, and two hundred and twenty-eight of the Municipal Act of one thousand eight hundred and sixty-six, chapter fifty-one, by the majority of qualified electors in the portion of the municipality petitioning as aforesaid.

Proviso.

Trustees for debentures.

☞**7.** Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six

weeks after passing of the by-law authorizing the same be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario: Provided, that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council with the consent of the company; and in case any trustee dies or resigns his trust, or goes to live out of Ontario or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Proviso.

8. The said trustees shall receive the said debentures or bonds in trust: Firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto, as to time or manner, to convert the same into money or otherwise dispose of them: Secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of the "Bayfield and South Huron Railway Municipal Trust Account," and to pay the same out of the said company from time to time as the said company become entitled thereto under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in schedule "A" hereto, or to the like effect, which certificate shall set forth, that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payments, or delivery of debentures, and such engineer shall not wrongfully grant any such certificate, under a penalty of five hundred dollars, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Trusts of debentures.

9. The act of any two of such trustees shall be as valid and binding as if the three had agreed.

Validity of acts of two trustees.

10. So soon as *twenty thousand dollars* of the capital stock shall have been subscribed as aforesaid and twenty per centum paid thereon, and deposited in one of the chartered banks in the County of Huron for the purpose of said company, the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up twenty per centum thereof, for the purpose of electing directors of the said company.

Meeting for election of directors.

11. The notice of the time and place of holding such general meeting shall be given by publication in one paper

Notice of meeting.

published in the County of Huron and in the *Ontario Gazette*, once in each week for the space of one month.

Business of meeting.

12. At such general meeting the subscribers for the capital stock assembled who shall have paid up twenty per centum thereof with such proxies as may be present, shall choose nine persons to be directors of the said company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Qualification of directors.

13. No person shall be qualified to be elected as such director by the shareholders unless he represent at least ten shares in the company and unless all calls thereon have been paid.

Ex-officio directors.

14. The provisional or other directors of the said company are hereby authorized to constitute the head of any municipality subscribing for stock or granting bonuses an *ex-officio* director in said company, should the amount of aid granted by said municipality be sufficient in the discretion of said directors to entitle the said municipality to a representative on said board of directors, and said representative shall be entitled to vote.

Votes.

15. In the election of directors under this Act and in the transaction of all business at general shareholders' meetings, each shareholder shall be entitled to vote either in person or by proxy, and shall be entitled to as many votes as he holds shares *upon which all calls have been* paid up at the time of such meeting.

Quorum.

16. At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, five directors shall form a quorum for the transaction of business.

Calls.

17. The directors may at any time call upon the shareholders for such instalments upon each share which they or any of them may hold in the capital stock of said company, and in such proportion as they may see fit, except that no such instalment shall exceed ten per centum of the subscribed capital, and that thirty days' notice of each call shall be given in such manner as the directors shall think fit.

Form of conveyances.

18. Conveyances of lands to the said company for the purpose of this Act may be made in the form set out in the Schedule B hereunder written or to the like effect, and such conveyance shall be registered by duplicate thereof in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than *seventy-five* cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicate thereof.

Gauge.

19. The gauge of the said railway shall be *four feet eight and one-half inches.*

Agreements with other Railways.

20. It shall be lawful for the said company to enter into any agreement with any other railway company *duly*

authorized in that behalf, for selling, leasing, or hiring this road or any part thereof, or for buying, leasing, or hiring from such other company any railway or part thereof, or any locomotives, tenders or moveable property, and generally to make any agreement or agreements with such other company for the amalgamation or use of one or the other or by both companies of the railway, or moveable property of either or of both, or any part thereof, or for any service to be rendered by the one company to the other, and the compensation therefor, and every such agreement shall be valid and binding and shall be enforced by courts of law according to the terms and tenor thereof, and in case of sale or lease any company, *duly authorized as aforesaid*, buying or leasing the same shall be and is hereby empowered to exercise all the rights and privileges in this charter conferred; provided always that before any such agreement for the sale, lease, hiring, or amalgamation as aforesaid shall be binding, it shall be ratified by a vote of at least two-thirds of all the stockholders legally entitled to vote, *but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.*

Proviso.

21. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, or for constructing, maintaining and using the said railway, the company may purchase, hold, use, or enjoy such lands and also the right of way thereto, if the same be separated from their railway, and sell and convey the same or part thereof from time to time as they may deem expedient, and may also make use of for the purpose of the said railway the water of any stream or watercourse over or near which the said railway passes, doing however no damage thereto and not impairing the usefulness of such stream or watercourse.

Power to acquire lands.

22. The said railway shall be commenced within two years, and completed within seven years after the passing of this Act, or else all rights and privileges conferred upon the said company by this Act shall be forfeited.

Commencement and completion of Railway.

☞SCHEDULE "A."

(Section 8.)

Chief Engineer's Certificate.

The Bayfield and South Huron Railway Company's Office,
Engineer's Department, No. , A.D., 188 .

Certificate to be attached to cheques drawn on the Bayfield and South Huron Railway Company Municipal Trust Account given under section chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, A.B., Chief Engineer for the Bayfield and South Huron Railway Company, do certify that the said company has ful-

filled the terms and conditions necessary to be fulfilled under the by-law No. of the Township of (or under the agreement dated the day of between the Corporation of and the said company) to entitle the said company to receive from the said trust the sum of *(here set out the terms and conditions, if any, which have been fulfilled).*

SCHEDULE "B."

(Section 18.)

Know all men by these presents, that I (*or* we) [*insert the name or names of the vendors*] in consideration of dollars paid to me (*or* us) by the Bayfield and South Huron Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (*or* we) [*insert name of any other party or parties*] in consideration of paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or* those certain parcels, *as the case may be*) of land, (*describe the land*), the same having been selected and laid out by the said company for the purposes of this railway, to hold with the appurtenances unto the said Bayfield and South Huron Railway Company, their successors and assigns, *(here insert any other clauses, conditions and covenants required)* and I (*or* we) wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands, as witness my (*or* our) hand and seal (*or* hands and seals) this day of one thousand eight hundred and

Signed, sealed and delivered }
in the presence of } (L. S.)

No. 3.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to incorporate the Bayfield and South Huron Railway Company.

(Reprinted as Amended.)

First Reading, 28th January, 1880.

(PRIVATE BILL.)

Mr. BISHOP.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 4.] **BILL.** [1880.

An Act to authorize the Trustees of St. Andrew's Church, Williamstown, to sell certain land.

WHEREAS John McArthur, Daniel Campbell, Alexander J. Grant, John W. Ferguson and Duncan B. McLennan, Trustees of St. Andrew's Church, Williamstown, within the bounds of the Presbytery of Glengarry, in connection with the Presbyterian Church in Canada, have, by their Petition to the Legislature, prayed that the said Trustees be empowered to sell and dispose of the west half of Lot number eleven in the first concession or range, south side of the River aux Rasen, in the Township of Charlottenburgh, as described in the patent thereof from the Crown, and to apply the proceeds of such sale for the purpose of improving other property which is attached to the church, or for purposes connected with the interests of the congregation adhering to said church; and whereas it is expedient to grant the prayer of the said petition: Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said John McArthur, Daniel Campbell, Alexander J. Grant, John W. Ferguson and Duncan B. McLennan, all of the Township of Charlottenburgh, Trustees of St. Andrew's Church, Williamstown, in the County of Glengarry, in connection with the Presbyterian Church in Canada, and the survivor or survivors of them or their successors in office, shall have full power and authority to contract to sell and to sell the said lot in one or more parcels from time to time at private sale or by public auction, for cash or on credit, secured in such manner as to them seems fit, with power to buy in at any auction or auctions and to resell or rescind or vary any sale or contract for sale that may have been entered into, and resell without being responsible for any loss or deficiency thereon, and on any sale or sales, conveyances execute and deliver, and the consideration money demand and receive, and to release all mortgages or other security that may be given for the purchase money or of any part thereof. Power to Trustees to sell Lands.

2. The vendors shall apply the proceeds of such sale to the improvement of the glebe attached to the church and in such other manner as they may deem best for the interest of the resident minister of the congregation adhering to said Church, in accordance with the terms of the Patent Deed; provided always that the purchaser or purchasers shall not be liable to see to the application of the moneys arising from the sale of the said lot or part thereof. Application of proceeds. Proviso.

3. Nothing in this Act contained shall be construed to affect any rights of any other person or persons in respect of the said lands. Certain rights not affected.

No. 4.

1st Session, 4th Parliament, 43 Vic., 1880.

BILL.

An Act to authorize the Trustees of St. Andrew's Church, Williamstown, to sell certain land.

First Reading, 1880.

(*PRIVATE BILL.*)

Mr. Macmaster.

TORONTO:
Printed by C. Blackett Robinson.

No. 5.] BILL. [1880.

An Act to provide for the Division of the Township of Luther.

Preamble.

WHEREAS the Council and the majority of the rate-payers of the Township of Luther, in the County of Wellington, have by their petition represented that it will greatly promote the prosperity of the said Township to divide the same into two distinct municipalities; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Township of West Luther.

1. Upon, from and after the day of , one thousand eight hundred and , the inhabitants of all that portion of the said Township of Luther lying west of the allowance for road between lots numbers eighteen and nineteen in said township, from front to rear, shall constitute a separate township or corporation under the name of the corporation of the Township of West Luther, and the said territory shall thereafter be a separate municipality for all municipal school and other purposes whatsoever, in the same manner to all intents and purposes as, and such municipality and township corporation hereby created shall enjoy all the rights, powers and privileges and be subject to all the liabilities appertaining to, other townships in the Province of Ontario.

Township of East Luther.

2. Upon, from and after the said day of , one thousand eight hundred and , the inhabitants of all that portion of the said Township of Luther which lies east of the allowance for road between lots numbers eighteen and nineteen in said township, from front to rear, shall constitute a separate township or corporation under the name of the corporation of the Township of East Luther, and the said territory shall thereafter be deemed to be such separate municipality for all municipal, school and other purposes whatsoever, in the same manner to all intents and purposes as, and such municipality and township corporation hereby created shall enjoy all the rights and privileges and be subject to all the liabilities appertaining to, other townships in the Province of Ontario.

Division of assets.

3. All and every the assets and debts of the present municipality of Luther shall be divided between the said respective municipalities of West Luther on the one hand and East Luther on the other in the same manner and by the same proceedings as nearly as may be as in the case of the separation of a junior township from a senior township, and as soon as the said debt

shall have been divided as aforesaid, each of the said municipalities shall as between the said corporations be bound to the payment of the share of the said debts which shall have been so assigned to it as aforesaid as though such share of the said debts had been incurred by such municipalities respectively; each of the townships hereby created remaining however liable as security in respect of the share (if any) of the said debts which it is not its duty primarily to pay, but both the said municipalities shall be liable to all creditors of the said corporation of the Township of Luther, and both the said new corporations may be sued in an action or suit for the recovery of any debt owing by the said corporation at the time of the separation.

Election of municipal councillors.

4. The first nomination for the election of municipal councillors for the said townships hereby created shall take place on the day of in the year of our Lord one thousand eight hundred and and the polling (if any) at such election shall take place on the day of next thereafter, and the place for holding such election for the Township of West Luther shall be at and the returning officer at such election shall be the township clerk of the present Township of Luther, and the place for holding the election for the Township of East Luther shall be at and shall be the returning officer for the said last mentioned election, and the provisions of the Revised Statutes of Ontario respecting municipal institutions, having reference to the case of the separation of a junior from a senior township shall apply to the townships hereby formed as if such townships had been a union of townships except where it is otherwise herein specifically provided, and for the purpose of applying such provisions, the said Township of West Luther shall be deemed to have been the senior township, and the said Township of East Luther shall be deemed to have been the junior township, and the corporation of the Township of West Luther shall be deemed to be a continuation of the Township of Luther.

Township Clerk to furnish Returning-Officer of East Luther with copy of Assessment Roll.

5. The clerk of the said Township of Luther shall furnish to the returning officer of the Township of East Luther before the said election a copy of the assessment roll of the Township of Luther for the year one thousand eight hundred and so far as the same contains the ratable property assessed and the names of the owners, tenants and occupants thereof, within that part of the said township which is hereby constituted the Township of East Luther.

Expenses of Act.

6. The expenses of and connected with the obtaining of this Act shall be a debt of and shall be borne by the said Township of Luther.

Townships to form part of County of Wellington.

7. The said Townships of East and West Luther hereby created shall form parts of the County of Wellington.

No. 5.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to provide for the Division of the Township of Luther.

1st Reading, , 1880.

(PRIVATE BILL.)

Mr. CLARKE.

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET.

No. 5.] **BILL.** [1880.

An Act to provide for the division of the Township of Luther.

Preamble.

WHEREAS the Council and the majority of the rate-payers of the Township of Luther, in the County of Wellington, have by their petition represented that it will greatly promote the prosperity of the said Township to divide the same into two distinct municipalities; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Township of West Luther.

1. Upon, from and after the *last Monday of December*, one thousand eight hundred and *eighty*, the inhabitants of all that portion of the said Township of Luther lying west *of the centre* of the allowance for road between lots numbers eighteen and nineteen in said township, from front to rear *of said township*, shall constitute a separate township or corporation under the name of the corporation of the Township of West Luther, and the said territory shall thereafter be a separate municipality for all municipal, school and other purposes whatsoever, in the same manner to all intents and purposes as, and such municipality and township corporation hereby created shall enjoy all the rights, powers and privileges and be subject to all the liabilities appertaining to, other townships in the Province of Ontario.

Township of East Luther.

2. Upon, from and after the said *last Monday of December*, one thousand eight hundred and *eighty*, the inhabitants of all that portion of the said Township of Luther which lies east *of the centre* of the allowance for road between lots numbers eighteen and nineteen in said township, from front to rear *of said township*, shall constitute a separate township or corporation under the name of the corporation of the Township of East Luther, and the said territory shall thereafter be deemed to be such separate municipality for all municipal, school and other purposes whatsoever, in the same manner to all intents and purposes as, and such municipality and township corporation *by this section* created shall enjoy all the rights and privileges and be subject to all the liabilities appertaining to, other townships in the Province of Ontario.

Division of assets.

3. All and every the assets and debts of the present municipality of Luther shall be divided, between the said respective municipalities of West Luther on the one hand and East Luther on the other, in the same manner and by the same proceedings as nearly as may be as in the case of the separation of a junior

township from a senior township, *under the provisions of "the Municipal Act,"* and as soon as the said debts shall have been divided as aforesaid, each of the said municipalities shall as between the said corporations be bound to the payment of the share of the said debts which shall have been so assigned to it as aforesaid as though such share of the said debts had been incurred by such municipalities respectively; each of the townships hereby created remaining however liable as security in respect of the share (if any) of the said debts which it is not its duty primarily to pay, but both the said municipalities shall be liable to all creditors of the said corporation of the Township of Luther, and both the said new corporations may be sued in an action or suit for the recovery of any debt owing by the said corporation at the time of the separation.

Election of municipal councillors.

4. The first nomination for the election of *members of the council* for the said townships hereby created shall take place on the *said last Mon*day of *December*, in the year of our Lord one thousand eight hundred and *eighty*, and the polling (if any) at such election shall take place on the *first Mon*day of *January* next thereafter, and the place for holding such election for the Township of West Luther shall be at *Jordan's schoolhouse, in the seventh concession*, and the returning officer at such election shall be the township clerk *for the time being* of the present Township of Luther, and the place for holding the election for the Township of East Luther shall be at *the public schoolhouse in Luther Village*, and *the treasurer for the time being of the present Township of Luther* shall be the returning officer for the said last mentioned election, and the provisions of the Revised Statutes of Ontario respecting municipal institutions, *relating to the formation of new municipalities and* having reference to the case of the separation of a junior from a senior township shall apply to the townships hereby formed as if such townships had been a union of townships, except where it is otherwise herein specifically provided, and for the purpose of applying such provisions, the said Township of West Luther shall be deemed to have been the senior township, and the said Township of East Luther shall be deemed to have been the junior township, and the corporation of the Township of West Luther shall be deemed to be a continuation of the *present* Township of Luther.

Township Clerk to furnish Returning-Officer of East Luther with copy of Assessment Roll.

5. The clerk of the said *present* Township of Luther shall furnish to the returning officer of the Township of East Luther before the said election a copy of the assessment roll of the Township of Luther for the year one thousand eight hundred and *eighty*, so far as the same contains the ratable property assessed and the names of the owners, tenants and occupants thereof, within that part of the said township which is hereby constituted the Township of East Luther.

Expenses of Act.

6. The expenses of and connected with the obtaining of this Act shall be a debt of and shall be borne by the said *present* Township of Luther.

No. 5.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to provide for the division of the Township of Luther.

(Reprinted as Amended.)

1st Reading, 19th January, 1880.

(PRIVATE BILL.)

Mr. CLARKE.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 6.] **BILL.** [1880.

An Act to limit the borrowing powers of the English Loan Company and to amend the charter thereof.

WHEREAS the English Loan Company became incorporated by Letters Patent dated the twenty-fifth day of September, in the year of our Lord one thousand eight hundred and seventy-eight, issued under the authority of chapter one hundred and fifty of the Revised Statutes of the Province of Ontario; And whereas the power of the said company to borrow money is not limited to any fixed amount either by the said Act or by the said charter; And whereas the said company has, by its petition, prayed that the amount which it may borrow be limited, and that certain amendments may be made to its said charter whereby the permanency and stability of the said company may be more completely secured, and it is expedient to grant the prayer of the said petition; Preamble

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said English Loan Company may borrow money by the issue of its debentures for sale in Canada, or in any other country, state or place, but the total amount of the sums so borrowed by the company on debentures then outstanding, shall not at any time exceed the amount of the subscribed capital stock of the said company. Limitation of borrowing power.

2. The real estate held by the company for use in transacting business or otherwise, shall not exceed the annual value of ten thousand dollars, excepting such lands and property as are specified by the terms of the said charter. Real estate.

3. At all annual or general meetings of the company the shareholders shall be entitled to one vote for every hundred dollars paid up, or which the holder of stock may be entitled to pay up, in the capital stock of the said company, and all votes of every nature whatever at such meetings shall be taken by ballot, and any two or more shareholders who have each paid in, or are authorized to pay in, sums less than one hundred dollars, but whose payments added together amount to or exceed one hundred dollars, may appoint a shareholder as their representative who shall be entitled to one vote for every one hundred dollars of the aggregate sum made up in this way. Votes.

4. The capital stock heretofore subscribed for, or hereafter to be subscribed, and all and every the operations of the said company heretofore done or performed, or hereafter to be done or performed, shall in no way be impaired, diminished or altered by this Act, and the said charter, by-laws, rules and regulations Act not to impair charter.

of the said company, and all business hitherto done or transacted therein, shall be and remain in full force and virtue, and the president and directors of the said company shall remain in power up to and until their time for going out of office pursuant to the said chapter one hundred and fifty of the Revised Statutes, and the by-laws, rules and regulations of the said company.

Change in the number of directors.

5. The president and board of directors of the said company shall, by resolution at any regular meeting called specially for that purpose, have power to change the number of the board of directors, so long as the same shall never be made greater than fourteen, or less than five, but such change shall only remain in force till the next meeting of stockholders, and if then confirmed by such stockholders' meeting, the change so made in the number of the said board shall become permanent and binding, subject to change as aforesaid; and any one or more of the said directors may be appointed for and hold office in England or any other country or place out of the Province of Ontario, as well as in the said Province.

Securities to be taken by company.

6. The company may purchase or sell or take as security for money advanced or otherwise, any kind of real or personal security, or hold the same in trust, or as collateral security, but shall not issue any note or debenture for less in amount than one hundred dollars, or for a shorter period than one year.

Rights of shareholders proportioned to amount paid by them.

7. For every purpose of the company all persons holding stock shall have rights and privileges in the control, voting, and management of the same, in proportion to the amount the stockholders may be called upon to pay, or have the right to pay, into the said capital stock, and stockholders representing one-third of the aggregate amount to be paid in as aforesaid, may call special meetings of the shareholders for the discharge of special business, which may arise from time to time.

New issues of stock.

8. At the time of the making of each new issue of stock, the directors shall fix the amount to be called in upon the same for the operations of the company, but said amount so to be called in shall not be less than ten per cent., nor more than fifty per cent., but the whole of the present or future unpaid subscribed capital shall at all times be held subject to, and continue to be liable for, the debentures and other liabilities of the company.

Elections of directors.

9. The retirement of the whole seven directors at the last annual general meeting and the election of seven new directors at that time is hereby confirmed and declared legal and binding, notwithstanding any provision or condition in the Letters Patent incorporating the said company, and in the absence of any by-law to the contrary, all future elections of directors shall be made annually, as provided by Statute, and the eligibility of stockholders to vote upon all or any of the proceedings of the company, or to be elected to the position of director thereof, shall in no way be impaired by their being in arrears on the payment of any calls upon their stock, subject however to the right of the directors to make by-laws in regard thereto, in such manner and form as may be most to the interest of the company.

No. 6.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to limit the borrowing powers of the English Loan Company and to amend the charter thereof.

1st Reading, , 1880.

(PRIVATE BILL.)

Mr.

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET.

No. 6.] BILL. [1880

An Act to limit the borrowing powers of the English Loan Company and to amend the charter thereof.

Preamble

WHEREAS the English Loan Company became incorporated by Letters Patent, dated the twenty-fifth day of September, in the year of our Lord one thousand eight hundred and seventy-eight, issued under the authority of chapter one hundred and fifty of the Revised Statutes of the Province of Ontario; and whereas the power of the said company to borrow money is not limited to any fixed amount either by the said Act or by the said charter; and whereas the said company has, by its petition, prayed that the amount which it may borrow be limited, and that certain amendments may be made to its said charter whereby the permanency and stability of the said company may be more completely secured, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Limitation of borrowing power.

1. The total amount of the sums so borrowed by the *said English Loan* Company on debentures, shall not at any time exceed the amount of the subscribed capital stock of the said company.

Real estate.

2. The said English Loan Company may hold absolutely real estate, for the purposes of or in connection with its place or places of business, not exceeding the annual value of ten thousand dollars, but this section shall not affect any action or suit now pending.

Votes.

3. At all annual or general meetings of the company the shareholders shall be entitled to one vote for every *ten* dollars paid up, or which the holder of stock may be entitled to pay up, in the capital stock of the said company, and all votes of every nature whatever at such meetings shall be taken by ballot; Provided always that the one million dollars of the second issue of stock already sold by the said English Loan Company, upon which ten per centum has been called in, may be increased so as to permit the holders of shares in the said second issue to pay a further sum of ten per centum upon the said stock, making in all twenty per centum so paid upon the same, and stockholders representing one-third of the aggregate amount to be paid in as aforesaid, may call special meetings of the shareholders for the discharge of special business which may arise from time to time, but this section shall not be operative or take effect until ratified and confirmed at a general meeting of shareholders by a majority of the holders of stock of each issue present either in person or by proxy.

running arrangements.

railway of any other railway company, or to enter into working arrangements with, or to agree for running powers over the line of any other railway company in Ontario or passing through Ontario, or to agree for any other railway company in Ontario to have running powers over the railway of the company, upon such terms and conditions and for such periods as may from time to time be agreed upon by the respective boards of directors of the said railway companies and the company: Provided however that no such lease or arrangement shall take effect until it shall have been submitted to and received the approval of two-thirds of the proprietors or persons having a right to vote at the special or general meetings of the said company, voting in person or by proxy at any special or general meeting of the company.

Proviso.

Power to purchase other railways.

5. It shall be lawful for the company to purchase the line of any other railway company which has now, or hereafter may have any railway touching at any point of the main railway of the company or any extension thereof, together with all and singular the houses, buildings, stations, station grounds, rights, ways, franchises, privileges, and appurtenances of the railway company so purchased upon such terms and conditions as may be agreed upon by the respective boards of directors of the said railway companies, and upon such purchase the company may exercise all and every the rights, franchises and privileges conferred by the Acts of incorporation and amending acts relating to the said companies: Provided however that no such purchase shall take effect until it shall have been submitted to and received the approval of two-thirds of the proprietors or persons having a right to vote at the special or general meetings of the said company, voting in person or by proxy at any special or general meeting of the company.

Proviso.

Power to sell railway.

6. It shall be lawful for the company to sell the railway of the company, together with all and singular the franchises, houses, buildings, stations, station grounds, rights, ways, privileges and appurtenances of the company to any other railway company, upon such terms and conditions as may be agreed upon by the respective boards of directors of the said companies, and the said railway company so purchasing the railway of the company may exercise all and every the rights, franchises and privileges conferred by the Acts of Incorporation and amending Acts relating to the said companies: Provided, however that no such sale shall take effect until it shall have been submitted to and received the approval of two-thirds of the proprietors, or persons having a right to vote at the special or general meetings of the said company, voting in person or by proxy at any special or general meeting of the company.

Proviso.

41 Vic., c. 49, s. 4 repealed, and new section substituted.

7. The fourth section of the Act relating to the Midland Railway of Canada, being chapter forty-nine of the statute passed in the forty-first year of the reign of Her Majesty Queen Victoria, is hereby repealed, and the following enacted in lieu thereof:—

(4.) The said company may, with the consent of a majority of two-thirds in value of the said shareholders of the said company, and two-thirds in value of the holders of the said bonds to be issued under the preceding provisions of this Act,

at a meeting specially called for that purpose, make and issue new preference first mortgage bonds for an amount not exceeding one hundred and fifty thousand pounds sterling, and may make such new bonds payable in London, England, or elsewhere as the company may think expedient, the principal of such bonds to be payable at such time as the company may think expedient, not exceeding thirty years from the date of the issue of such bonds, and the said bonds to bear interest at such rate or rates as the company may determine, not exceeding five per centum per annum, payable half-yearly; and such new bonds shall, without registration or formal conveyance, but subject to the rights of municipalities in respect of any liens held by them before the passing of this Act, be taken and considered to be (subject to the provisions of section ten of this Act) the first preferential claims and charges upon the undertaking and the property of the company real and personal, and then existing, and at any time thereafter acquired, and all extension made or to be made thereof, and the franchises of the said company, and each holder of the said preference first mortgage bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata*, with all the other holders thereof upon the aforesaid undertaking and property of the company, and all extensions thereof, and the franchises of the said company as aforesaid, in priority to all other charges and incumbrances including the bonds issued under the preceding sections of this Act, but subject to the rights of municipalities in respect of any liens as aforesaid.

41 Vic., c. 49, s. 7, amended.

8. The seventh section of the said Act relating to the Midland Railway of Canada, chapter forty-nine aforesaid, is hereby amended by inserting after the words "Port Hope" in the eleventh, eighteenth and twenty-second lines of the said section the words "or at such other place or places in England or Canada or elsewhere, as the directors of the company may deem expedient," and the said section shall read and be construed as if the said words were originally incorporated in the said section.

41 Vic., c. 49, s. 25, repealed in part.

9. The last four lines of section twenty-five of the said Act relating to the Midland Railway of Canada, chapter forty-nine, commencing "This clause of the Act," are hereby repealed.

Time of annual meeting.

10. The annual meeting of the shareholders and bondholders of the company for the election of directors shall hereafter be held on the third Tuesday in April in each year, and the present directors shall retain office until the third Tuesday in April of the year one thousand eight hundred and eighty-one.

Expenses of Act a first charge on railway.

11. The cost, charges and expenses of, and incidental to, this Act, and the procurement thereof, shall be paid by the company, and form a first charge on the gross earnings of the railway of the company.

No. 7.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting the Midland Railway of Canada.

First Reading, 1880.

(PRIVATE BILL.)

Mr. PECK.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 7.] BILL. [1880

An Act respecting the Midland Railway of Canada.

Preamble.

WHEREAS the Midland Railway of Canada has petitioned the Legislature for certain amendments to its Act of incorporation, and all other Acts amending the same or affecting the said Railway Company, by extending the main line or branches of the railway of the said company from *or near* Brechin, or the vicinity, through the Counties of Ontario, Victoria, Muskoka, Parry Sound and Nipissing to Lake Nipissing, *or French River*, and for certain other amendments, and whereas it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpretation.

1. Unless the context shall require a different interpretation of the words hereby interpreted in this Act, the words "the company" shall mean the Midland Railway of Canada, and the words "the railway" the railway of the Midland Railway Company.

Power to extend railway.

2. The company is hereby empowered and authorized to construct and extend the railway or to construct a branch thereof, *from some point on the main line at or between the village of Brechin and the village of Coldwater, to such point on Lake Nipissing or the French River*, as may be found available for the business of the company, and for that purpose shall have and exercise all the powers conferred by their own charter and by the Railway Act of Ontario; and the several clauses of the Railway Act of Ontario with respect to "interpretation," "powers," "plans and surveys," "lands and their valuation," shall be deemed to be part of this Act, and shall apply to the said company and the extension to be constructed by them.

41 Vic., c. 49, ss. 13 to 24 to apply to company.

3. All the provisions of the Act of Ontario, chapter forty-nine, passed in the forty-first year of Her Majesty's reign, from section thirteen to section twenty-four inclusive, shall apply to the said company *and the extension authorized by the second section* as if expressly incorporated in this Act.

41 Vic., c. 49, s. 4 repealed, and new section substituted.

4. The fourth section of the Act relating to the Midland Railway of Canada, being chapter forty-nine of the statute passed in the forty-first year of the reign of Her Majesty Queen Victoria, is hereby repealed, and the following enacted in lieu thereof:—

(4.) The said company may, with the consent of two-thirds in value of the said shareholders of the said company, and

two-thirds in value of the holders of the said bonds to be issued under the preceding provisions of this Act, *present or represented in person or by proxy* at a meeting specially called for that purpose, make and issue new preference first mortgage bonds for an amount not exceeding one hundred and fifty thousand pounds sterling, and may make such new bonds payable in London, England, or elsewhere as the company may think expedient, the principal of such bonds to be payable at such time as the company may think expedient, not exceeding thirty years from the date of the issue of such bonds, and the said bonds to bear interest at such rate or rates as the company may determine, not exceeding five per centum per annum, payable half-yearly; and such new bonds shall, without registration or formal conveyance, but subject to the rights of municipalities in respect of any liens held by them before the passing of this Act, be taken and considered to be (subject to the provisions of section ten of this Act) the first preferential claims and charges upon the undertaking and the property of the company real and personal, and then existing, and at any time thereafter acquired, and all extension made or to be made thereof, and the franchises of the said company, and each holder of the said preference first mortgage bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata*, with all the other holders thereof upon the aforesaid undertaking and property of the company, and all extensions thereof, and the franchises of the said company as aforesaid, in priority to all other charges and incumbrances including the bonds issued under the preceding sections of this Act, but subject to the rights of municipalities in respect of any liens as aforesaid: ☞Provided always that any existing creditor of the company who has not been arranged with shall be entitled, if he so elects within ninety days after the passing of this Act, to receive from the company now existing mortgage bonds at par for his debt, or at his option the sum of twenty-two and one-half cents in cash in the dollar on his debt.☜

Proviso.

41 Vic., c. 49, s. 7, amended.

5. The seventh section of the said Act relating to the Midland Railway of Canada, chapter forty-nine aforesaid, is hereby amended by inserting after the words "Port Hope" in the eleventh, eighteenth and twenty-second lines of the said section the words "or at such other place or places in *Great Britain* as the directors of the company may deem expedient," and the said section shall read and be construed as if the said words were originally incorporated in the said section.

Time of annual meeting.

6. The annual meeting of the shareholders and bondholders of the company for the election of directors shall hereafter be held on the third Tuesday in April in each year, and the present directors shall retain office until the third Tuesday in April of the year one thousand eight hundred and eighty-one.

41 Vic., c. 49, s. 25, repealed.

☞**7.** The twenty-fifth section of the said Act relating to the Midland Railway of Canada, chapter forty-nine, is hereby repealed and the following enacted in lieu thereof:—

Head office.

The head office of the said Company shall be at the Town of Port Hope in Canada, and the property, affairs and concerns of the said company shall be managed and conducted at the said Town of Port Hope.

8. The twenty-sixth section of the said Act relating to the Midland Railway of Canada, chapter forty-nine, is hereby repealed and the following enacted in lieu thereof:— S. 26 repealed.

The seal of the company shall be kept at the head office in Port Hope, Canada, and the said company shall have a duplicate seal marked "England," to be used in the said United Kingdom as may be resolved upon by the directors of the said company and the said duplicate seal when used shall have the same force and effect as if the original were used. Duplicate seal.

9. The twenty-seventh section of the said Act relating to the Midland Railway of Canada, chapter forty-nine, is hereby amended by striking out the word "three" in the third line thereof, and substituting the word "four" for the said word "three." S. 27 amended.

10. Section *ten* of the said Act relating to the Midland Railway of Canada, chapter forty-nine, is hereby repealed and in lieu thereof it is enacted as follows:— S. 10 repealed.

In the event of the issue of the bonds under this Act the earnings of the company, subject to the rights of the municipalities as hereinbefore preserved, and after payment of any balance now due for traffic received by the Midland Railway, and any debts now due in respect of any such balance, and after deduction of working expenses as hereafter defined, shall in each half year ending the first day of May and first day of November, commencing with the half year ending the first day of November, one thousand eight hundred and seventy-eight, be appropriated and applied in the order and manner following: Application of earnings of company.

(1) In payment ratably and *pari passu* of the interest for the time being on the said preference first mortgage bonds;

(2) In payment ratably and *pari passu* of the interest for the time being on the said other bonds;

(3) In payment of the existing debts against the said company not satisfied or arranged for;

(4) In payment of a dividend on the stock of the company.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting the Midland Railway of Canada.

(Reprinted as Amended.)

First Reading 23rd January, 1880.

(PRIVATE BILL.)

Mr. PECK.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 7.] BILL. [1880.

An Act respecting the Midland Railway of Canada.

Preamble.

WHEREAS the Midland Railway of Canada has petitioned the Legislature for certain amendments to its Act of incorporation, and all other Acts amending the same or affecting the said Railway Company, by extending the main line or branches of the railway of the said company from *or near* Brechin, or the vicinity, through the Counties of Ontario, Victoria, Muskoka, Parry Sound and Nipissing to Lake Nipissing, *or French River*, and for certain other amendments, and whereas it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpretation.

1. Unless the context shall require a different interpretation of the words hereby interpreted in this Act, the words "the company" shall mean the Midland Railway of Canada, and the words "the railway" the railway of the Midland Railway Company.

Power to extend railway.

2. The company is hereby empowered and authorized to construct and extend the railway or to construct a branch thereof, *from some point on the main line at or between the village of Brechin and the village of Coldwater, to such point on Lake Nipissing or the French River*, as may be found available for the business of the company, and for that purpose shall have and exercise all the powers conferred by their own charter and by the Railway Act of Ontario; and the several clauses of the Railway Act of Ontario with respect to "interpretation," "powers," "plans and surveys," "lands and their valuation," shall be deemed to be part of this Act, and shall apply to the said company and the extension to be constructed by them.

41 Vic., c. 49, ss. 13 to 24 to apply to company.

3. All the provisions of the Act of Ontario, chapter forty-nine, passed in the forty-first year of Her Majesty's reign, from section thirteen to section twenty-four inclusive, shall apply to the said company *and the extension authorized by the second section* as if expressly incorporated in this Act.

41 Vic., c. 49, s. 4 repealed, and new section substituted.

4. The fourth section of the Act relating to the Midland Railway of Canada, being chapter forty-nine of the statute passed in the forty-first year of the reign of Her Majesty Queen Victoria, is hereby repealed, and the following enacted in lieu thereof:—

(4.) The said company may, with the consent of two-thirds in value of the said shareholders of the said company, and

two-thirds in value of the holders of the said bonds to be issued under the preceding provisions of this Act, *present or represented in person or by proxy* at a meeting specially called for that purpose, make and issue new preference first mortgage bonds for an amount not exceeding one hundred and fifty thousand pounds sterling, and may make such new bonds payable in London, England, or elsewhere as the company may think expedient, the principal of such bonds to be payable at such time as the company may think expedient, not exceeding thirty years from the date of the issue of such bonds, and the said bonds to bear interest at such rate or rates as the company may determine, not exceeding five per centum per annum, payable half-yearly; and such new bonds shall, without registration or formal conveyance, but subject to the rights of municipalities in respect of any liens held by them before the passing of this Act, be taken and considered to be (subject to the provisions of section ten of this Act) the first preferential claims and charges upon the undertaking and the property of the company real and personal, and then existing, and at any time thereafter acquired, and all extension made or to be made thereof, and the franchises of the said company, and each holder of the said preference first mortgage bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata*, with all the other holders thereof upon the aforesaid undertaking and property of the company, and all extensions thereof, and the franchises of the said company as aforesaid, in priority to all other charges and incumbrances including the bonds issued under the preceding sections of this Act, but subject to the rights of municipalities in respect of any liens as aforesaid: ☞Provided always that any existing creditor of the company who has not been arranged with shall be entitled, if he so elects within ninety days after the passing of this Act, to receive from the company now existing mortgage bonds at par for his debt, or at his option the sum of twenty-two and one-half cents in cash in the dollar on his debt. ☜☞and provided further that if any claim of any creditor is disputed by the company, and within ninety days from the passing of this Act, he notifies the company of his election to accept the said now existing bonds at par or twenty-two and a half cents in cash in the dollar, then upon recovery of final judgment against the company, such creditor is to be entitled to receive such bonds or twenty-two and a half cents as aforesaid for the amount thereof.☜

Proviso.

41 Vic., c. 49, s. 7, amended.

5. The seventh section of the said Act relating to the Midland Railway of Canada, chapter forty-nine aforesaid, is hereby amended by inserting after the words "Port Hope" in the eleventh, eighteenth and twenty-second lines of the said section the words "or at such other place or places in *Great Britain* as the directors of the company may deem expedient," and the said section shall read and be construed as if the said words were originally incorporated in the said section.

Time of annual meeting.

6. The annual meeting of the shareholders and bondholders of the company for the election of directors shall hereafter be held on the third Tuesday in April in each year, and the present directors shall retain office until the third Tuesday in April of the year one thousand eight hundred and eighty-one.

7. The twenty-fifth section of the said Act relating to the Midland Railway of Canada, chapter forty-nine, is hereby repealed and the following enacted in lieu thereof:— 41 Vic., c. 49, s. 25, repealed.

The head office of the said Company shall be at the Town of Port Hope in Canada, and the property, affairs and concerns of the said company shall be managed and conducted at the said Town of Port Hope; but any special meeting of shareholders or bondholders of the company, called pursuant to this or any other statute relating to the Midland Railway of Canada, may be held at London, England, or at such place as the directors of the company may appoint: provided however that the annual meeting for the election of directors of the company shall be held at Port Hope. Head office.

8. The twenty-sixth section of the said Act relating to the Midland Railway of Canada, chapter forty-nine, is hereby repealed and the following enacted in lieu thereof:— S. 26 repealed.

The seal of the company shall be kept at the head office in Port Hope, Canada, and the said company shall have a duplicate seal marked "England," to be used in the said United Kingdom as may be resolved upon by the directors of the said company and the said duplicate seal when used shall have the same force and effect as if the original were used. Duplicate seal.

9. The twenty-seventh section of the said Act relating to the Midland Railway of Canada, chapter forty-nine, is hereby amended by striking out the word "three" in the third line thereof, and substituting the word "four" for the said word "three." S. 27 amended.

10. Section *ten* of the said Act relating to the Midland Railway of Canada, chapter forty-nine, is hereby repealed and in lieu thereof it is enacted as follows:— S. 10 repealed.

In the event of the issue of the bonds under this Act the earnings of the company, subject to the rights of the municipalities as hereinbefore preserved, and after payment of any balance now due for traffic received by the Midland Railway, and any debts now due in respect of any such balance, and after deduction of working expenses as hereafter defined, shall in each half year ending the first day of May and first day of November, commencing with the half year ending the first day of November, one thousand eight hundred and seventy-eight, be appropriated and applied in the order and manner following: Application of earnings of company.

(1) In payment ratably and *pari passu* of the interest for the time being on the said preference first mortgage bonds;

(2) In payment ratably and *pari passu* of the interest for the time being on the said other bonds;

(3) In payment of the existing debts against the said company not satisfied or arranged for;

(4) In payment of a dividend on the stock of the company.

No. 7.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting the Midland Railway of Canada.

(Reprinted as Amended.)

First Reading, 23rd January, 1880.
Second " 11th February, "

(PRIVATE BILL.)

MR. PECK.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 8.] **BILL.** [1880.

An Act respecting Waterworks for the Town of Wingham.

Preamble.

WHEREAS the construction of waterworks and a supply of water would conduce to the comfort of the inhabitants of the Town of Wingham, and afford means for the better protection from fire of property therein; and whereas the council of the corporation of the Town of Wingham, with the consent of the municipal electors thereof previously obtained on the thirtieth day of September, one thousand eight hundred and seventy-nine, finally passed a by-law, numbered eight for one thousand eight hundred and seventy-nine, intituled "A By-law to authorize the corporation of the Town of Wingham to raise the sum of eight thousand dollars for the purpose of constructing waterworks in the Town of Wingham;" and whereas the said by-law has been acted upon by the letting of contracts for the construction of waterworks in the said Town of Wingham; and whereas doubts have arisen as to the validity of the said by-law, and of the debentures to be issued under and by virtue thereof; and whereas the council of the corporation of the Town of Wingham have, by petition, asked to be authorized to construct, have and manage, as to them may seem meet, certain waterworks for said Town, and that the said by-law may be legalized and confirmed; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law declared valid.

1. By-law number eight, for one thousand eight hundred and seventy-nine, passed on the thirtieth day of September, one thousand eight hundred and seventy-nine, by the corporation of the Town of Wingham, intituled "A By-law to authorize the corporation of the Town of Wingham to raise the sum of eight thousand dollars for the purpose of constructing waterworks in the Town of Wingham," and the debentures to be issued thereunder, and all acts done and contracts entered or to be entered into in pursuance thereof, are hereby legalized and declared valid and binding on the municipal council and the corporation and the inhabitants and ratepayers of the said Town of Wingham, notwithstanding any irregularity in the passing of the said by-law or preliminary to the passing thereof.

Corporation of Wingham may construct waterworks.

2. The corporation of the Town of Wingham may and shall have power to design, construct, build, purchase, improve, hold and generally maintain, manage and conduct waterworks and all buildings, materials, machinery and appurtenances therewith connected or necessary thereto in the Town of Wingham and

parts adjacent or hereinafter provided, and shall have all the powers necessary to enable them to build the waterworks hereinafter mentioned, and to carry out all and every the other powers conferred upon them by this Act.

Powers of corporation.

3. The said corporation shall have power to employ engineers, surveyors and such other persons, and to rent, with such conditions, covenants and stipulations as the corporation shall deem requisite or necessary, or purchase, at the option of the said corporation, such lands and buildings, waters and privileges as in their opinion may, during the construction or at any future time, be necessary to enable them to fulfil their duties under this Act.

Power to enter on lands,

appropriate streams, &c., contract, &c.

Arbitration.

4. It shall and may be lawful for the said corporation, their agents, servants and workmen, from time to time and at such times hereafter as they shall see fit, and they are hereby authorized and empowered to enter into and upon the lands of any person or persons, bodies politic or corporate, in the Town of Wingham or within ten miles of the said Town, and to survey, set out and ascertain such parts thereof as they may require for the purposes of the said waterworks, also to divert and appropriate any river, ponds of water, springs, or stream of water therein as they shall judge suitable and proper, and to contract with the owner or occupier of the said lands, and those having a right or interest in the said water, for the purchase or renting thereof or of any part thereof, or of any privilege that may be required for the purpose of the said waterworks at the option of the said corporation, and in case of any disagreement between the said corporation and the owners or occupiers or any other person interested in such lands, or any person having an interest in the said water or the natural flow thereof, or any such privilege as aforesaid respecting the amount of purchase or yearly rental or value thereof, or as to the damages such appropriation shall cause to them or otherwise, the same shall be decided by three arbitrators to be appointed as hereinafter mentioned, namely, the said corporation shall appoint one, the owner or owners or other person interested shall appoint another, and such two arbitrators shall, within ten days after their appointment, appoint a third arbitrator, but in the event of such two arbitrators not appointing a third arbitrator within the time aforesaid, either of the judges of the County Court of the County of Huron shall, on application by either party, appoint such third arbitrator; in case any such owner or occupier shall be an infant, married woman, idiot, or insane, or absent from this Province, or shall refuse to appoint an arbitrator on his or her behalf, or shall neglect to make such appointment for two weeks after notice to be served on him by the said corporation, or in case such lands or water privileges be mortgaged or pledged to any person or persons, the Judge of the said County Court, on application being made to him for that purpose by the corporation, shall nominate and appoint three indifferent persons as arbitrators; the arbitrators to be appointed, as hereinbefore mentioned, shall award, determine, adjudge, and order the respective sums of money which the said corporation shall pay to the respective persons entitled to receive the same; and the said arbitrators shall, and they are hereby required to attend at some convenient place, at or in the vicinity of the said Town, to be appointed by the said cor-

In case of infant owners, &c.

poration, after eight days' notice given for that purpose by the said corporation, there and then to arbitrate and award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested, and also the costs attending said reference and award, and each arbitrator shall, before entering on his said duties, be sworn before some one of Her Majesty's Justices of the Peace in and for the said County of Huron, well and truly to assess the value or damages between the parties to the best of his judgment, and the Justice of the Peace before whom the said arbitrators or any of them shall be sworn, shall give either of the parties requiring the same a certificate to that effect: Provided always that any award under this Act shall be subject to be set aside on application to the Court of Queen's Bench or Common Pleas in the same manner and on the same grounds as in ordinary cases of arbitration, in which case a reference may be again made to arbitration as hereinbefore provided, and that any sum so agreed upon or awarded shall, in case of purchase, be paid within three calendar months from the time agreed upon or the date of the award or determination of any motion to amend or annul the same, as the case may be, or in case of renting instead of purchasing, the rental so agreed upon or awarded, shall be paid within one month after the respective days and times so agreed upon or fixed in the said award as the days and times for payment of the rental thereof, or after the date of the award or determination of any motion to amend or annul the same, whichever event shall last happen, and in default of such payment, the proprietor may resume possession of his property, and all his rights shall thereupon revive, and the award of the majority of the said arbitrators in writing shall be binding on all parties concerned, subject as aforesaid: Provided also, that in case the person to whom the said damages shall be awarded shall be an infant, or an idiot, lunatic, or insane person, or absent from the Province, or shall refuse to accept the amount so awarded, it shall be lawful for the said corporation to pay the same to the committee of such person under any of the said disabilities, or to pay the same into the Court of Chancery or into any chartered bank in this Province to the joint credit of the said corporation and such person, and such payment shall be a sufficient payment of the amount of the said award by the said corporation; and any notice required to be served on any person under any of the said disabilities shall be served on the person in whose care or under whose custody or control the said person may be; or if any person so required to be served is absent from the Province, or cannot be found, by publishing the same for two weeks in the *Ontario Gazette* and one paper published in the county in which the said lands lie.

Proviso.

Proviso in case of infancy, &c., payment into court or bank.

Mode of serving notice on infants, absentees, &c.

5. The lands, privileges, and water, which shall be ascertained, set out, or appropriated by the said corporation, for the purposes thereof as aforesaid, shall thereupon and forever thereafter be vested in the corporation of the Town of Wingham and their successors, except where the lands, privileges, or water, are rented, in which case the term and possession shall be as agreed upon by the respective parties, or as awarded by the said arbitrators, subject, however, to the corporation having power at the end of the term of such lease to again rent or purchase at the option of the said corporation; and it

Lands, privileges, and works vested in the corporation of Wingham.

shall and may be lawful for the said corporation and their successors to construct, erect, and maintain, in and upon the said lands, all such reservoirs, waterworks, and machinery requisite for the said undertaking, and to convey the water thereto and therefrom, in, upon, or through any of the grounds and lands lying intermediate between the said reservoirs and waterworks and the springs, streams, rivers, or ponds, or waters, from which the same are procured and the said Town of Wingham, by one or more lines of pipes, as may from time to time be found necessary; and for the better effecting the purpose as aforesaid, the said corporation and their successors and servants, are hereby empowered to enter and pass upon and over the said grounds, roads, highways, railways and lands, intermediate as aforesaid, and the same to cut and dig up, if necessary, and to lay down the said pipes through the same, and in, upon, over, under, and through the ways, railways, and roads within ten miles of the Town of Wingham, and in, through, over, and under the public highways, streets, lanes, railways or other passages within the said Town of Wingham, and in, upon, through, over, and under the lands, grounds and premises of any person or persons, bodies corporate, politic, or collegiate or any lands of the Crown, within the said Town of Wingham, and to set out, ascertain, use, and occupy such part or parts thereof as they, the said corporation, or their successors, shall think necessary and proper for the making and maintaining of the said works, or for the opening of new streets required for the same, and for the purchasing of any lands required for the protection of the said works, or for preserving the purity of the water supply, or for taking up, removing, altering, or repairing the same, and for distributing water to the inhabitants of the Town of Wingham, or for the uses of the corporation of the said Town, or of the proprietors or occupiers of the land through or near which the same may pass, and for this purpose to sink and lay down pipes, tanks, reservoirs, and other conveniences, and from time to time to alter all or any of the said works, as well in the position as in the construction thereof; as to the said corporation, or their successors, shall seem meet, doing as little damage as may be in the execution of the powers hereby granted to them, and making reasonable and adequate satisfaction to the proprietors, to be ascertained, in case of disagreement, by arbitration as aforesaid; and all such waterworks, pipes, erections, and machinery requisite for the said undertaking shall likewise be vested in and be the property of the said corporation of the Town of Wingham.

Service pipes.

6. All service pipes which may be required shall be constructed and laid down up to the outer line of the street by the said corporation who shall be solely responsible for keeping the same in repair.

(a). In all cases where a vacant space intervenes between the outer line of street and the wall of the building or other place into which the water is to be taken, the said corporation may, with the consent of the owner, lay the service pipes across such vacant space and charge the cost thereof to the owner of the premises, or such owner may himself lay such service pipes, provided the same is done to the satisfaction of the corporation or person appointed by them in that behalf;

(b). The expense incidental to the laying and repairing, as hereinafter provided, of such service pipes if laid or repaired

by the said corporation (except the repairing of the service pipes from the main pipe to the outer limit of the street as aforesaid, which shall be borne solely by the corporation), or of superintending the laying or repairing of the same if laid or repaired by any other person, shall be payable by the said owner on demand to said corporation, or if not so paid, may be collected forthwith in the same manner as water-rates; provided that in any one case the said expense of superintending the laying or repairing of such service, if laid or repaired by any other person as aforesaid, shall not exceed one dollar.

Service pipes to be under control of the corporation.

7. The service pipes from the line of street to the interior face of the outer wall of the building supplied, together with all branches, couplings, stopcocks, and apparatus placed therein by the said corporation, shall be under their control, and if any damage be done to this portion of the service pipe or its fittings, either by neglect or otherwise, the occupant or owner of the lands shall forthwith repair the same to the satisfaction of the said corporation; in default of so doing, whether notified or not, the said corporation may enter upon the said lands where such service pipes are, and by their officers, servants, or agents repair the same, and charge the same to the owner of the premises, as hereinbefore provided, the stopcock placed by the said corporation inside the wall of the building shall not be used by the water tenant, except in cases of accident, or for the protection of the building or the pipes, and to prevent flooding of the premises.

Taps.

8. All parties supplied with water by the said corporation may be required to place only such taps for drawing and shutting off the water as may be approved of by the said corporation.

Inspection of service pipes and repair.

Meters.

9. It shall be lawful for the said corporation and every person authorized by them for that purpose, to have free access at proper hours of the day, and upon reasonable notice given and request made for that purpose, to all parts of every building or other premises in which water is delivered and consumed, for the purpose of inspecting or repairing as aforesaid, and to place meters upon any service pipe or connection within or without any house or building as they may deem expedient, and for this purpose, or for the purpose of protecting or of regulating the use of any such meter, to set or alter the position of the same or of any pipe connection or tap, and to fix the price to be paid for the use of any such meter, and the times when, and the manner in which the same shall be payable, and also to charge for and recover the expenses of such alterations, and such price and the expense of such alterations may be collected in the same manner as water-rates.

Costs of alteration.

Power to regulate use of water.

10. The said corporation shall regulate the distribution and use of the water in all places and for all purposes where the same may be required, and from time to time shall fix the prices for the use thereof, and the times of payments; and they may erect such number of public hydrants, and in such places as they shall see fit, and direct in what manner and for what purposes the same shall be used, all which they may change at their discretion, and may fix the rate or rent to be

paid for the use of the water by hydrants, fireplugs, and public buildings.

Rates to be a lien on property.

11. Such sum payable by the owner or occupant of any house, tenement, lot, or part of a lot for the water supplied to him there, or for the use thereof, and all rates, costs and charges by this Act to be collected in the same manner as water rates, shall be a lien and charge on such house, tenement, lot, or part of a lot, and may be levied and collected in like manner as municipal rates and taxes are by law recoverable.

Power to make and enforce by-laws for management, &c., of works.

12. The said corporation shall have power from time to time to make and enforce all necessary by-laws, rules and regulations for the general maintenance or the management or conduct of the said water works, officers, and others employed by them, not inconsistent with this Act, and for the collection of the said water rent and water rate, and for fixing the time and times (which shall be quarterly) when, and the places where the same shall be payable, also for allowing a discount for prepayment, and in case of default of payment to enforce payment by shutting off the water, or by suit at law before any court of competent jurisdiction, or by distress and sale of the goods and chattels of such owner or occupant, or of any goods and chattels in his or her possession, wherever the same may be found in the Town of Wingham, or of any goods and chattels found on the premises, the property of or in the possession of any other occupant of the premises; such distress and sale shall be conducted in the same manner as sales are now conducted for arrears of town taxes, and the costs chargeable shall be those payable to bailiffs under the Division Courts Acts: Provided that the attempt to collect such rates by any process hereinbefore mentioned shall not in any way invalidate the lien upon such premises as hereinbefore provided, and in the event of any such rate uncollected and unpaid, and continuing a lien upon the said premises as aforesaid, the amount of such rate so in arrears shall be returned by the collectors to the treasurer of the Town of Wingham annually, on or before the eighth day of April, in each and every year, and the same together with interest at the rate of ten per centum per annum thereon, shall thereupon be collected by such treasurer by the sale of the lands and premises in the same manner and subject to the same provisions as in case of the sale of non-resident lands for arrears of municipal taxes.

Proviso.

Power to employ collectors, assessors, &c.

13. The said corporation shall have power to employ the town collectors, assessors, and such other persons as in their opinion may be necessary to carry out the object of this Act, and to specify their duties, and to fix their compensation; and all such persons shall hold their offices at the pleasure of the said corporation, or as they shall determine by by-law in that behalf, and shall give such security as the corporation shall from time to time require, and such asssessors and collectors shall have as full power in the performance and enforcement of the matters to them committed, as the assessors and collectors of the Town of Wingham may by law possess and enjoy.

Protection in exercise of office.

14. The said corporation and their officers shall have the like protection in the exercise of their respective offices, and the execution of their duties as Justices of the Peace now have

under the laws of this Province; and the watchmen and other officers of the corporation, when in the discharge of their duties, shall be *ex officio* possessed of all the powers and authority of officers of the peace. Power of officers.

15. The corporation of the Town of Wingham shall not be liable for damages caused by the breaking of any service pipes or attachment, or for any shutting off of any water to repair mains or to tap the mains. Non-liability for breakage or stoppage.

16. All materials procured or partly procured under contract with the corporation, and upon which the said corporation shall have made advances in accordance with such contract, shall be exempt from execution. Property exempt from execution.

17. The lands, buildings, machinery, reservoirs, pipes, and all other real or personal property connected with, or appertaining, or belonging to the water works, shall be from henceforth exempt from taxation, unless the corporation of the Town of Wingham by by-law shall direct that they shall be liable to taxation. Property exempt from taxation.

18. If any action or suit be brought against any person or persons for anything done in pursuance of this Act, the same shall be brought within six calender months next, after the act committed, or in case there shall be a continuation of damages, then within one year after the original cause of such action arising. Limitation of actions.

19. The said corporation shall have power and authority to supply any corporation, person or persons with water, although not resident within the Town of Wingham, and may exercise all other powers necessary to the carrying out of their agreement with such corporation or persons, as well within the suburbs of, as within the Town of Wingham, and they may also, from time to time, make and carry out any agreement which they may deem expedient, for the supply of water to any Railway Company or manufactory. Authority to supply water outside of Town.

20. The said corporation may dispose of any real or personal property acquired by them for water works purposes when no longer required, and until sold, demise and lease the same. The said property when sold shall be free from any charge, mortgage, or lien created by this Act, the proceeds arising from such sale to be added to and form part of the fund for the redemption and payment of debentures, as hereinafter mentioned, or should no such debentures then exist, then the said proceeds shall form part of the general funds of the said corporation, and may be applied accordingly. Sale of property when no longer required.

21. No member of the council of the corporation of the Town of Wingham shall personally have or hold any contract in connection with said works, or be directly or indirectly interested in the same or any of them, but no person shall be held to be disqualified from being elected or sitting as a member of the council of said corporation by reason of his being a taker or consumer of water supplied by the said corporation, or by reason of any dealing or contract with the corporation of the Town of Councillor not to hold any contract.

Taking water not to disqualify for council.

Wingham, with reference to the supply of water to such person.

Persons doing damage liable.

22. All persons and corporations whomsoever, who shall by themselves, their servants or agents, by act, default, neglect, or omission, occasion any loss, damage, or injury to the water-works, or any plant, machinery, fitting, part, or appurtenances thereof, shall be liable to the said corporation of the Town of Wingham, for or in respect of such damage, loss, or injury; and damages in respect thereof may be recovered by the corporation of the Town of Wingham in any court of competent jurisdiction.

Power to make by-laws prohibiting wrongful use of water and to regulate supply.

23. It shall and may be lawful for the corporation of the Town of Wingham, and they are hereby empowered and authorized, to make such by-laws as to them shall seem requisite and necessary for prohibiting, by fine, not exceeding twenty dollars, for waterworks purposes, in default of payment to be levied of the goods and chattels of the offender by distress and sale, and in event of there not being sufficient distress to satisfy the said penalty and costs, by imprisonment, not exceeding twenty-one days, or by imprisonment in the first instance, for any term not exceeding one calendar month (the amount of such fine and the duration of the imprisonment, and also the option between fine and imprisonment with or without hard labour being always in the discretion of the Justice of the Peace before whom any proceedings may be taken for enforcement thereof), any person, being tenant, occupant, or inmate of any house, building, or other place supplied with water from the said water works, from lending, selling, or disposing of the water thereof, from giving it away, or permitting it to be taken or carried away, or from using or applying it to the use or benefit of others, or to any other, than his, her, or their own use and benefit, or from increasing the supply of water agreed for with the said corporation, or from wrongfully neglecting or improperly wasting the water; as also for regulating the time, manner, extent, and nature of the supply by the said works, the tenement or parties to which and to whom the same shall be furnished, the price or prices to be exacted therefor, and each and every other matter or thing related to or connected therewith, which it may be necessary or proper to direct, regulate, or determine; for issuing to the inhabitants of the Town a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the corporation with regard to the water so supplied.

Prohibitions.

24. No person shall do or permit any of the following acts:

Interference with works.

(*a*) No person or persons shall wilfully or maliciously hinder or interrupt, or cause, or procure to be hindered or interrupted the said corporation, or their managers, contractors, servants, agents, workmen, or any of them, in the exercise of any of the powers and authorities in this Act authorized and contained;

Wasting water.

(*b*). No person or persons shall wilfully or maliciously let off or discharge any water, so that the same shall run waste or useless, out of the said works;

Interference with hydrants, &c.

(*c*). No person or persons, not being in the employment of the said corporation, and not being a member of the fire brigade, and duly authorized in that behalf, shall wilfully open or close any hydrant, or obstruct the free access to any hydrant,

stop-cock, chamber, or hydrant-chamber, by placing on it any building-material, rubbish, or otherwise;

(*d*). No person or persons shall throw or deposit any injurious, noisome, or offensive matter into the said water or water-works, or upon the ice, or in any way foul the same, or commit any wilful damage or injury to the works, pipes, or water, or encourage the same to be done; Fouling water.

(*e*). No person or persons, unless specially authorized by the said corporation for that particular purpose and occasion, shall wilfully alter any meter of the said water works placed upon any service pipe or connected therewith, within or without any house, building, or other place, so as to lessen or alter the amount of water registered thereby, so as to cause the quantity registered or used to be falsely indicated; Alteration of meters or water register.

(*f*). No person or persons shall lay, or cause to be laid, any pipe or main to communicate with any pipe or main of the said waterworks, or in any way obtain or use any water thereof, without the consent of the said corporation of the Town of Wingham; Drawing off water.

(*g*). No person or persons shall bathe, or wash, or cleanse any cloth, wool, leather, skin or animals, or place any nuisance or offensive thing within the distance of one mile from the source of supply for such waterworks, in any river, pond, creek, spring, source or fountain from which the water of the said waterworks is obtained, or shall convey, or cast, or throw, or put any filth, dirt, dead carcase, or other noisome or offensive things therein or within the distance as above set forth, or cause, permit or suffer the water of any sink, sewer or drain to run or be conveyed into the same, or cause any other thing to be done whereby the water therein may be in any way tainted or fouled. Bathing, &c.

25. Any person convicted before a Justice of the Peace having jurisdiction within the locality within which the offence shall be committed, of any act in the last preceding section and subsections thereof prohibited, shall, upon the oath or affirmation of one or more credible witnesses, for every such offence, forfeit and pay a sum, not exceeding twenty dollars nor less than one dollar, together with the costs and charges attending the proceedings and conviction, or be imprisoned in the county gaol for the County of Huron for any term not exceeding thirty days, the amount of such fine as well as the duration of imprisonment and also the option between fine and imprisonment with or without hard labour being always in the discretion of the Justices of the Peace before whom any proceedings may be taken for enforcement thereof. Penalty.

26. For the recovery of penalties in money under this Act, and legal costs, upon default of payment of the penalty or fine inflicted forthwith after conviction, it shall be lawful for any Justice as aforesaid to issue a warrant of distress to any constable or peace officer against the goods and chattels of the person convicted, and in case no sufficient distress is found to satisfy said conviction, it shall be lawful for such Justice to order that the person or persons so convicted be imprisoned in the gaol for the County of Huron for any period not exceeding thirty days, unless the penalty and all costs are sooner paid. Enforcing penalty.

27. The penalties in money under this Act, or any portion of them which may be recovered, shall be paid to the convict- Application of penalties.

ing Justice, and by him paid one half to the treasurer of the corporation of Town of Wingham, to form part and be applied in and towards the reduction of the waterworks debt and payment of the debentures issued for the same, the other half to him or her who shall lay the information, and in case the party suing for the same shall be the servant or officer of the corporation, then the whole of the said penalty shall be applied to the use of the corporation for waterworks purposes as aforesaid.

Continuing offence.

28. In case of a continuing offence against the provisions of section twenty-four of this Act, each time the offence or act prohibited shall be done, and each day or part of a day, night or part of a night the continuing offence shall remain, shall be considered a separate offence and punishable accordingly.

Debentures.

29. The debentures authorized by the said by-law and this Act may be made payable either in sterling or currency in this Province, Great Britain or elsewhere: Provided that no sterling debenture shall be for less than twenty pounds; and for the purposes authorized by this Act, the corporation of the said Town of Wingham shall have power to issue debentures of the said Town, to be called waterworks debentures, for an additional sum of money not exceeding fifty thousand dollars of lawful money of Canada, in such sums and payable with interest, in manner aforesaid and in the said by-law contained; and the said corporation of the Town of Wingham shall raise, levy and collect in each year upon all the ratable property in the said Town, during the continuance of the said debentures, or any of them, an equal and special rate for the purpose of paying the annual instalments and the interest of the said last named debentures, or for the purpose of providing a sinking fund for the payment of the same: Provided always that all the provisions of the Municipal Act and amendments thereto as to by-laws for raising on the credit of the municipality, money not required for its ordinary expenditure and not payable within the same municipal year, shall apply to any by-law for raising, upon the credit of the said municipality, any portion of the said fifty thousand dollars, such provisions being those which require and relate to the assent of the electors and otherwise.

Proviso.

Proviso.

Application of proceeds and fines.

30. The proceeds of such debentures and all fines or parts of fines and penalties that under the provisions of this Act or under any by-law made under section twenty-three of this Act are to be applied for waterworks purposes, shall be kept separate from any other funds of the said Town, and the same shall only be paid out on the order of the council of the Town of Wingham as may from time to time be required for the payment and discharge of the liabilities that may be incurred in carrying out the improvements contemplated by this Act and for the payment of interest accruing due on the said debentures; and after the redemption of the said debentures, all moneys so paid into this fund shall form part of the general funds of the corporation of the Town of Wingham: Provided always that nothing herein contained shall prevent the said corporation, should they deem it advisable so to do, from paying the contractor or contractors or others, in debentures, either at par or at such rate of discount as the said corporation shall, in their

Proviso.

judgment, deem advisable, nor from selling or negotiating the same, as to them may seem most expedient and advantageous to the interests of the Town of Wingham.

Works liable for moneys borrowed.

31. The said waterworks to be erected and constructed under this Act, and also the lands to be acquired for the purpose thereof, and every matter and thing therewith connected, shall be and they are hereby specially charged, pledged, mortgaged and hypothecated for the repayment of any sum or sums which may be borrowed by the said corporation for the purposes of this Act, as well as for the due and punctual payment of the interest thereupon, and all, each and every of the holders of the debentures in the last previous section mentioned, shall have a preferential pledge, mortgage, or hypothec or privilege on the said lands, waterworks and property appertaining thereto for securing the payment of the said debentures and the interest thereon.

Application of revenues.

32. After the construction of the works, all the revenues arising from or out of the supplying of water, or from the real or personal property connected with the said waterworks to be acquired by the said corporation under this Act, shall after providing for the expenses attendant upon the maintenance of the said waterworks, subject however to the provisions contained in section twenty of this Act, form part of the general funds of the corporation and may be applied accordingly.

Irregularity not to invalidate the debentures.

33. No irregularity in the passing of any by-law under this Act, or in the forms of the said debentures authorized by this Act in the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of said debentures and interest in any or either of them or any part thereof.

Works to be finished in three years.

34. The said waterworks shall be constructed, completed and finished, except as to the laying of additional pipes and mains, within three years from the passing of this Act.

No. 8.

1st Session, 4th Parliament, 43 Vic., 1880.

BILL.

An Act respecting Waterworks for the Town of Wingham.

1st Reading, , 1880.

(PRIVATE BILL.)

Mr. Ross.

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET.

No. 8.] BILL. [1880.

An Act respecting Waterworks for the Town of Wingham.

Preamble

WHEREAS the construction of waterworks and a supply of water would conduce to the comfort of the inhabitants of the Town of Wingham, and afford means for the better protection from fire of property therein; and whereas the council of the corporation of the Town of Wingham, with the consent of the municipal electors thereof previously obtained on the thirtieth day of September, one thousand eight hundred and seventy-nine, finally passed by-law, No. 8, 1879, intituled "A By-law to authorize the corporation of the Town of Wingham to raise the sum of eight thousand dollars for the purpose of constructing waterworks in the Town of Wingham;" and whereas the said by-law has been acted upon by the letting of contracts for the construction of waterworks in the said Town of Wingham; and whereas doubts have arisen as to the validity of the said by-law, and of the debentures to be issued under and by virtue thereof; and whereas the council of the corporation of the Town of Wingham have, by petition, asked to be authorized to construct, have and manage, as to them may seem meet, certain waterworks for said Town, and that the said by-law may be legalized and confirmed; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law declared valid.

1. By-law No. 8, 1879, passed on the thirtieth day of September, one thousand eight hundred and seventy-nine, by the corporation of the Town of Wingham, intituled "A By-law to authorize the corporation of the Town of Wingham to raise the sum of eight thousand dollars for the purpose of constructing waterworks in the Town of Wingham," and the debentures to be issued thereunder, and all acts done and contracts entered or to be entered into in pursuance thereof, are hereby legalized and declared valid and binding on the municipal council and the corporation and the inhabitants and ratepayers of the said Town of Wingham, notwithstanding any irregularity in the passing of the said by-law or preliminary to the passing thereof.

Corporation of Wingham may construct waterworks.

2. The corporation of the Town of Wingham may and shall have power to design, construct, build, purchase, improve, hold and generally maintain, manage and conduct waterworks and all buildings, materials, machinery and appurtenances therewith connected or necessary thereto in the Town of Wingham and parts adjacent *as* hereinafter provided, and shall have all the

powers necessary to enable them to build the waterworks hereinafter mentioned, and to carry out all and every the other powers conferred upon them by this Act.

Powers of corporation.

3. The said corporation shall have power to employ engineers, surveyors and such other persons, and to rent, with such conditions, covenants and stipulations as the corporation shall deem requisite or necessary, or purchase, at the option of the said corporation, such lands and buildings, waters and privileges as in their opinion may, during the construction or at any future time, be necessary to enable them to fulfil their duties under this Act.

Power to enter on lands,

4. It shall and may be lawful for the said corporation, their agents, servants and workmen, from time to time and at such times hereafter as they shall see fit, and they are hereby authorized and empowered to enter into and upon the lands of any person or persons, bodies politic or corporate, in the Town of Wingham or within *five* miles of the said Town, and to survey, set out and ascertain such parts thereof as they may require for the purposes of the said waterworks, also to divert and appropriate any river, ponds of water, springs, or stream of water therein as they shall judge suitable and proper, and to contract with the owner or occupier of the said lands, and those having a right or interest in the said water, for the purchase or renting thereof or of any part thereof, or of any privilege that may be required for the purpose of the said waterworks at the option of the said corporation, and in case of any disagreement between the said corporation and the owners or occupiers or any other person interested in such lands, or any person having an interest in the said water or the natural flow thereof, or any such privilege as aforesaid respecting the amount of purchase or yearly rental or value thereof, or as to the damages such appropriation shall cause to them or otherwise, the same shall be decided by three arbitrators to be appointed as hereinafter mentioned, namely, the said corporation shall appoint one, the owner or owners or other person interested shall appoint another, and such two arbitrators shall, within ten days after their appointment, appoint a third arbitrator, but in the event of such two arbitrators not appointing a third arbitrator within the time aforesaid, the judge of the County Court of the County of Huron shall, on application by either party, appoint such third arbitrator; in case any such owner or occupier shall be an infant, married woman, idiot, or insane, or absent from this Province, or shall refuse to appoint an arbitrator on his or her behalf, or shall neglect to make such appointment for two weeks after notice to be served on him *or her* by the said corporation, or in case such lands or water privileges be mortgaged or pledged to any person or persons, the Judge of the said County Court, on application being made to him for that purpose by the corporation, shall nominate and appoint three indifferent persons as arbitrators; the arbitrators to be appointed, as hereinbefore mentioned, shall award, determine, adjudge, and order the respective sums of money which the said corporation shall pay to the respective persons entitled to receive the same; and the said arbitrators shall, and they are hereby required to attend at some convenient place, at or in the vicinity of the said Town, to be appointed by the said cor-

appropriate streams, &c., contract, &c.

Arbitration.

Case of infant owners, &c.

poration, after eight days' notice given for that purpose by the said corporation, there and then to arbitrate and award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested, and also the costs attending said reference and award, and each arbitrator shall, before entering on his said duties, be sworn before some one of Her Majesty's Justices of the Peace in and for the said County of Huron, well and truly to assess the value or damages between the parties to the best of his judgment, and the Justice of the Peace before whom the said arbitrators or any of them shall be sworn, shall give either of the parties requiring the same a certificate to that effect: Provided always that any award under this Act shall be subject to be set aside on application to the Court of Queen's Bench or Common Pleas in the same manner and on the same grounds as in ordinary cases of arbitration, in which case a reference may be again made to arbitration as hereinbefore provided, and that any sum so agreed upon or awarded shall, in case of purchase, be paid within three calendar months from the time agreed upon or the date of the award or determination of any motion to amend or annul the same, as the case may be, or in case of renting instead of purchasing, the rental so agreed upon or awarded, shall be paid *on* the respective days and times so agreed upon or fixed in the said award as the days and times for payment of the rental thereof, or after the date of the award or determination of any motion to amend or annul the same, whichever event shall last happen, and in default of such payment, the proprietor may resume possession of his property, and all his rights shall thereupon revive, and the award of the majority of the said arbitrators in writing shall be binding on all parties concerned, subject as aforesaid: Provided also, that in case the person to whom the said damages shall be awarded shall be an infant, or an idiot, lunatic, or insane person, or absent from the Province, or shall refuse to accept the amount so awarded, it shall be lawful for the said corporation to pay the same *with interest* to the committee of such person under any of the said disabilities, or to pay the same *with interest* into the Court of Chancery to the credit of such person, and such payment shall be a sufficient payment of the amount of the said award by the said corporation; and any notice required to be served on any person under any of the said disabilities shall be served on the person in whose care or under whose custody or control the said person may be; or if any person so required to be served is absent from the Province, or cannot be found, by publishing the same for *such time* in the *Ontario Gazette* and *in* one paper published in the county in which the said lands lie *as may be ordered by said last-mentioned court or a judge thereof.*

Proviso.

Proviso in case of infancy, &c., payment into court or bank.

Mode of serving notice on infants, absentees, &c.

5. The lands, privileges, and water, which shall be ascertained, set out, or appropriated by the said corporation, for the purposes thereof as aforesaid, shall thereupon and forever thereafter be vested in the corporation of the Town of Wingham and their successors, except where the lands, privileges, or water, are rented, in which case the term and possession shall be as agreed upon by the respective parties, or as awarded by the said arbitrators, subject, however, to the corporation having power at the end of the term of such lease to again rent or purchase at the option of the said corporation, *but at*

Lands, privileges, and works vested in the corporation of Wingham.

a rental or price to be ascertained and determined as aforesaid; and it shall and may be lawful for the said corporation and their successors to construct, erect, and maintain, in and upon the said lands, all such reservoirs, waterworks, and machinery requisite for the said undertaking, and to convey the water thereto and therefrom, in, upon, or through any of the grounds and lands lying intermediate between the said reservoirs and waterworks and the springs, streams, rivers, or ponds, or waters, from which the same are procured and the said Town of Wingham, by one or more lines of pipes, as may from time to time be found necessary; and for the better effecting the purpose as aforesaid, the said corporation and their successors and servants, are hereby empowered to enter and pass upon and over the said grounds, roads, highways, railways and lands, intermediate as aforesaid, and the same to cut and dig up, if necessary, and to lay down the said pipes through the same, and in, upon, over, under, and through the ways, railways, and roads within *five* miles of the Town of Wingham, and in, through, over, and under the public highways, streets, lanes, railways or other passages within the said Town of Wingham, and in, upon, through, over, and under the lands, grounds and premises of any person or persons, bodies corporate, politic, or collegiate or any lands of the Crown, within the said Town of Wingham, and to set out, ascertain, use, and occupy such part or parts thereof as they, the said corporation, or their successors, shall think necessary and proper for the making and maintaining of the said works, or for the opening of new streets required for the same, and for the purchasing of any lands required for the protection of the said works, or for preserving the purity of the water supply, or for taking up, removing, altering, or repairing the same, and for distributing water to the inhabitants of the Town of Wingham, or for the uses of the corporation of the said Town, or of the proprietors or occupiers of the land through or near which the same may pass, and for this purpose to sink and lay down pipes, tanks, reservoirs, and other conveniences, and from time to time to alter all or any of the said works, as well in the position as in the construction thereof, as to the said corporation, or their successors, shall seem meet, doing as little damage as may be in the execution of the powers hereby granted to them, and making reasonable and adequate satisfaction to the proprietors, to be ascertained, in case of disagreement, by arbitration as aforesaid; and all such waterworks, pipes, erections, and machinery requisite for the said undertaking shall likewise be vested in and be the property of the said corporation of the Town of Wingham.

Service pipes.

6. All service pipes which may be required shall be constructed and laid down up to the outer line of the street by the said corporation who shall be solely responsible for keeping the same in repair:—

(a). In all cases where a vacant space intervenes between the outer line of street and the wall of the building or other place into which the water is to be taken, the said corporation may, with the consent of the owner, lay the service pipes across such vacant space and charge the cost thereof to the owner of the premises, or such owner may himself lay such service pipes, provided the same is done to the satisfaction of the corporation or person appointed by them in that behalf;

(b). The expense incidental to the laying and repairing, as hereinafter provided, of such service pipes if laid or repaired by the said corporation (except the repairing of the service pipes from the main pipe to the outer limit of the street as aforesaid, which shall be borne solely by the corporation), or of superintending the laying or repairing of the same if laid or repaired by any other person, shall be payable by the said owner on demand to said corporation, or if not so paid, may be collected forthwith in the same manner as water-rates; provided that in any one case the said expense of superintending the laying or repairing of such service, if laid or repaired by any other person as aforesaid, shall not exceed one dollar.

Service pipes to be under control of the corporation.

7. The service pipes from the line of street to the interior face of the outer wall of the building supplied, together with all branches, couplings, stopcocks, and apparatus placed therein by the said corporation, shall be under their control, and if any damage be done to this portion of the service pipe or its fittings, either by neglect or otherwise, the occupant or owner of the lands shall forthwith repair the same to the satisfaction of the said corporation; in default of so doing, whether notified or not, the said corporation may enter upon the said lands where such service pipes are, and by their officers, servants, or agents repair the same, and charge the same to the owner of the premises, as hereinbefore provided; the stopcock placed by the said corporation inside the wall of the building shall not be used by the water tenant, except in cases of accident, or for the protection of the building or the pipes, and to prevent flooding of the premises.

Taps.

8. All parties supplied with water by the said corporation may be required to place only such taps for drawing and shutting off the water as may be approved of by the said corporation.

Inspection of service pipes and repair.

9. It shall be lawful for the said corporation and every person authorized by them for that purpose, to have free access at proper hours of the day, and upon reasonable notice given and request made for that purpose, to all parts of every building or other premises in which water is delivered and consumed, for the purpose of inspecting or repairing as aforesaid, and to place meters upon any service pipe or connection within or without any house or building as they may deem expedient, and for this purpose, or for the purpose of protecting or of regulating the use of any such meter, to set or alter the position of the same or of any pipe, connection or tap, and to fix the price to be paid for the use of any such meter, and the times when, and the manner in which the same shall be payable, and also to charge for and recover the expenses of such alterations, and such price and the expense of such alterations may be collected in the same manner as water-rates.

Meters.

Costs of alteration.

Power to regulate use of water.

10. The said corporation shall regulate the distribution and use of the water in all places and for all purposes where the same may be required, and from time to time shall fix the prices for the use thereof, and the times of payments; and they may erect such number of public hydrants, and in such places as they shall see fit, and direct in what manner and for what purposes the same shall be used, all which they may change at their discretion, and may fix the rate or rent to be

paid for the use of the water by hydrants, fireplugs, and public buildings.

Rates to be a lien on property.

11. Such sum payable by the owner or occupant of any house, tenement, lot, or part of a lot for the water supplied to him there, or for the use thereof, and all rates, costs and charges by this Act to be collected in the same manner as water rates, shall be a lien and charge on such house, tenement, lot, or part of a lot, and may be levied and collected in like manner as municipal rates and taxes are by law recoverable.

Power to make and enforce by-laws for management, &c., of works.

12. The said corporation shall have power from time to time to make and enforce all necessary by-laws, rules and regulations for the general maintenance or the management or conduct of the said water works, officers, and others employed by them, not inconsistent with this Act, and for the collection of the said water rent and water rate, and for fixing the time and times when, and the places where the same shall be payable, also for allowing a discount for prepayment, and in case of default of payment to enforce payment by shutting off the water, or by suit at law before any court of competent jurisdiction, or by distress and sale of the goods and chattels of such owner or occupant, or of any goods and chattels in his or her possession, wherever the same may be found in the Town of Wingham, or of any goods and chattels found on the premises, the property of or in the possession of any other occupant of the premises; such distress and sale shall be conducted in the same manner as sales are now conducted for arrears of town taxes, and the costs chargeable shall be those payable to bailiffs under the Division Courts Acts: Provided that the attempt to collect such rates by any process hereinbefore mentioned shall not in any way invalidate the lien upon such premises as hereinbefore provided, and in the event of any such rate uncollected and unpaid, and continuing a lien upon the said premises as aforesaid, the amount of such rate so in arrears shall be returned by the collectors to the treasurer of the Town of Wingham annually, on or before the eighth day of April, in each and every year, and the same together with interest at the rate of ten per centum per annum thereon, shall thereupon be collected by such treasurer by the sale of the lands and premises in the same manner and subject to the same provisions as in case of the sale of non-resident lands for arrears of municipal taxes.

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Power to employ collectors, assessors, &c.

13. The said corporation shall have power to employ the town collectors, assessors, and such other persons as in their opinion may be necessary to carry out the object of this Act, and to specify their duties, and to fix their compensation; and all such persons shall hold their offices at the pleasure of the said corporation, or as they shall determine by by-law in that behalf, and shall give such security as the corporation shall from time to time require, and such asssessors and collectors shall have as full power in the performance and enforcement of the matters to them committed, as the assessors and collectors of the Town of Wingham may by law possess and enjoy.

Protection in exercise of office.

14. The said corporation and their officers shall have the like protection in the exercise of their respective offices and the execution of their duties as Justices of the Peace now have

under the laws of this Province; and the watchmen and other officers of the corporation, when in the discharge of their duties, shall be *ex officio* possessed of all the powers and authority of officers of the peace. Power of officers.

15. The corporation of the Town of Wingham shall not be liable for damages caused by the breaking of any service pipes or attachment, or for any shutting off of any water to repair mains or to tap the mains: ☞ Provided reasonable notice be given of the intention to shut off the water when the same is shut off more than six hours at any one time. ☜ Non-liability for breakage or stoppage.

16. All materials procured or partly procured under contract with the corporation, and upon which the said corporation shall have made advances in accordance with such contract, shall be exempt from execution. Property exempt from execution.

17. The lands, buildings, machinery, reservoirs, pipes, and all other real or personal property connected with, or appertaining, or belonging to the water works, shall be from henceforth exempt from taxation, unless the corporation of the Town of Wingham by by-law shall direct that they shall be liable to taxation. Property exempt from taxation.

18. If any action or suit be brought against any person or persons for anything done in pursuance of this Act, the same shall be brought within six calender months next, after the act committed, or in case there shall be a continuation of damages, then within one year after the original cause of such action arising. Limitation of actions.

19. The said corporation shall have power and authority to supply any corporation, person or persons with water, although not resident within, *but not more than five miles without*, the Town of Wingham, and may exercise all other powers necessary to the carrying out of their agreement with such corporation or persons, as well within the suburbs of, as within the Town of Wingham, and they may also, from time to time, make and carry out any agreement which they may deem expedient, for the supply of water to any Railway Company or manufactory. Authority to supply water outside of Town.

20. The said corporation may dispose of any real or personal property acquired by them for water works purposes when no longer required, and until sold, demise and lease the same. The said property when sold shall be free from any charge, mortgage, or lien created by this Act, the proceeds arising from such sale to be added to and form part of the fund for the redemption and payment of debentures, as hereinafter mentioned, or should no such debentures then exist, then the said proceeds shall form part of the general funds of the said corporation, and may be applied accordingly. Sale of property when no longer required.

21. No member of the council of the corporation of the Town of Wingham shall personally have or hold any contract in connection with said works, or be directly or indirectly interested in the same or any of them, but no person shall be held to be disqualified from being elected or sitting as a member of the council of said corporation by reason of his being a taker or con- Councillor not to hold any contract. Taking water not to disqualify for council.

sumer of water supplied by the said corporation, or by reason of any dealing or contract with the corporation of the Town of Wingham, with reference to the supply of water to such person.

Persons doing damage liable.

22. All persons and corporations whomsoever, who shall by themselves, their servants or agents, by act, default, neglect, or omission, occasion any loss, damage, or injury to the waterworks, or any plant, machinery, fitting, part, or appurtenances thereof, shall be liable to the said corporation of the Town of Wingham, for or in respect of such damage, loss, or injury; and damages in respect thereof may be recovered by the corporation of the Town of Wingham in any court of competent jurisdiction.

Power to make by-laws prohibiting wrongful use of water and to regulate supply.

23. It shall and may be lawful for the corporation of the Town of Wingham, and they are hereby empowered and authorized, to make such by-laws as to them shall seem requisite and necessary for prohibiting, by fine, not exceeding twenty dollars, for waterworks purposes, in default of payment to be levied of the goods and chattels of the offender by distress and sale, and in event of there not being sufficient distress to satisfy the said penalty and costs, by imprisonment, not exceeding twenty-one days, or by imprisonment in the first instance, for any term not exceeding one calendar month (the amount of such fine and the duration of the imprisonment, and also the option between fine and imprisonment with or without hard labour being always in the discretion of the Justice of the Peace before whom any proceedings may be taken for enforcement thereof), any person, being tenant, occupant, or inmate of any house, building, or other place supplied with water from the said water works, from lending, selling, or disposing of the water thereof, from giving it away, or permitting it to be taken or carried away, or from using or applying it to the use or benefit of others, or to any other, than his, her, or their own use and benefit, or from increasing the supply of water agreed for with the said corporation, or from wrongfully neglecting or improperly wasting the water; as also for regulating the time, manner, extent, and nature of the supply by the said works, the tenement or parties to which and to whom the same shall be furnished, the price or prices to be exacted therefor, and each and every other matter or thing related to or connected therewith, which it may be necessary or proper to direct, regulate, or determine; for issuing to the inhabitants of the Town a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the corporation with regard to the water so supplied.

Prohibitions.

24. If any person shall do or commit any of the following acts:

Interference with works.

(*a*) Shall wilfully or maliciously hinder or interrupt, or cause, or procure to be hindered or interrupted the said corporation, or their managers, contractors, servants, agents, workmen, or any of them, in the exercise of any of the powers and authorities in this Act authorized and contained;

Wasting water.

(*b*). Shall wilfully or maliciously let off or discharge any water, so that the same shall run waste or useless, out of the said works;

(*c*). Not being in the employment of the said corporation, and not being a member of the fire brigade, and duly authorized in that behalf, shall wilfully open or close any hydrant, or obstruct the free access to any hydrant, stop-cock, chamber, or hydrant-chamber, by placing on it any building-material, rubbish, or otherwise; Interference with hydrants, &c.

(*d*). Shall throw or deposit any injurious, noisome, or offensive matter into the said water or waterworks, or upon the ice, or in any way foul the same, or commit any wilful damage or injury to the works, pipes, or water, or encourage the same to be done; Fouling water.

(*e*). Unless specially authorized by the said corporation for that particular purpose and occasion, shall wilfully alter any meter of the said waterworks placed upon any service pipe or connected therewith, within or without any house, building, or other place, so as to lessen or alter the amount of water registered thereby, so as to cause the quantity registered or used to be falsely indicated; Alteration of meters or water register.

(*f*). Shall lay, or cause to be laid, any pipe or main to communicate with any pipe or main of the said waterworks, or in any way obtain or use any water thereof, without the consent of the said corporation of the Town of Wingham; Drawing off water.

(*g*). Shall bathe, or wash, or cleanse any cloth, wool, leather, skin or animals, or place any nuisance or offensive thing within the distance of one mile from the source of supply for such waterworks, in any river, pond, creek, spring, source or fountain from which the water of the said waterworks is obtained, *not being the north branch of the River Maitland*, or shall convey, or cast, or throw, or put any filth, dirt, dead carcase, or other noisome or offensive things therein or within the distance as above set forth, or cause, permit or suffer the water of any sink, sewer or drain to run or be conveyed into the same, or cause any other thing to be done whereby the water therein may be in any way tainted or fouled; *and such person, upon the oath or affirmation of at least one credible witness, be convicted of any such act* before a Justice of the Peace having jurisdiction within the locality within which the offence shall be committed, *he shall*, for every such offence, forfeit and pay a sum, not exceeding twenty dollars nor less than one dollar, together with the costs and charges attending the proceedings and conviction, or be imprisoned in the county gaol for the County of Huron for any term not exceeding thirty days, the amount of such fine as well as the duration of imprisonment and also the option between fine and imprisonment with or without hard labour being always in the discretion of the Justices of the Peace before whom any proceedings may be taken for enforcement thereof. Bathing, &c. Penalty.

25. For the recovery of penalties in money under this Act, and legal costs, upon default of payment of the penalty or fine inflicted forthwith after conviction, it shall be lawful for any Justice as aforesaid to issue a warrant of distress to any constable or peace officer against the goods and chattels of the person convicted, and in case no sufficient distress is found to satisfy said conviction, it shall be lawful for such Justice to order that the person or persons so convicted be imprisoned in the gaol for the County of Huron for any period not exceeding thirty days, unless the penalty and all costs are sooner paid. Enforcing penalty.

Application of penalties.

26. The penalties in money under this Act, or any portion of them which may be recovered, shall be paid to the convicting Justice, and by him paid one half to the treasurer of the corporation of Town of Wingham, to form part and be applied in and towards the reduction of the waterworks debt and payment of the debentures issued for the same, or should no such debentures then exist then to form part of the general funds of the said corporation and be applied accordingly, the other half to him or her who shall lay the information, and in case the party suing for the same shall be the servant or officer of the corporation, then the whole of the said penalty shall be applied to the use of the corporation for *the* purposes aforesaid.

Continuing offence.

27. In case of a continuing offence against the provisions of section twenty-four of this Act, each time the offence or act prohibited shall be done, and each day or part of a day, night or part of a night the continuing offence shall remain, shall be considered a separate offence and punishable accordingly.

Debentures.

28. The debentures authorized by the said by-law and this Act may be made payable either in sterling or currency in this Province, Great Britain or elsewhere: Provided that no sterling debenture shall be for less than twenty pounds; and for the purposes authorized by this Act, the corporation of the said Town of Wingham shall have power to issue debentures of the said Town, to be called waterworks debentures, for an additional sum of money not exceeding fifty thousand dollars of lawful money of Canada, in such sums and payable with interest, in manner aforesaid and in the said by-law contained; and the said corporation of the Town of Wingham shall raise, levy and collect in each year upon all the ratable property in the said Town, during the continuance of the said debentures, or any of them, an equal and special rate for the purpose of paying the annual instalments and the interest of the said last named debentures, or for the purpose of providing a sinking fund for the payment of the same: Provided always that all the provisions of the Municipal Act and amendments thereto as to by-laws for raising on the credit of the municipality, money not required for its ordinary expenditure and not payable within the same municipal year, shall apply to any by-law for raising, upon the credit of the said municipality, any portion of the said fifty thousand dollars, such provisions being those which require and relate to the assent of the electors and otherwise.

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Application of proceeds and fines.

29. The proceeds of such debentures and all fines or parts of fines and penalties that under the provisions of this Act or under any by-law made under section twenty-three of this Act are to be applied for *the* purposes *therein referred to*, shall be kept separate from any other funds of the said Town, and the same shall only be paid out on the order of the council of the Town of Wingham as may from time to time be required for the payment and discharge of the liabilities that may be incurred in carrying out the improvements contemplated by this Act and for the payment of interest accruing due on the said debentures; and after the redemption of the said debentures, all moneys so paid into this fund shall form part of the general funds of the corporation of the Town of Wingham: Provided always that

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nothing herein contained shall prevent the said corporation, should they deem it advisable so to do, from paying the contractor or contractors or others, in *said* debentures, either at par or at such rate of discount as the said corporation shall, in their judgment, deem advisable, nor from selling or negotiating the same, as to them may seem most expedient and advantageous to the interests of the Town of Wingham.

Works liable for moneys borrowed.

30. The said waterworks to be erected and constructed under this Act, and also the lands to be acquired for the purpose thereof, and every matter and thing therewith connected, shall be and they are hereby specially charged, pledged, mortgaged and hypothecated for the repayment of any sum or sums which may be borrowed by the said corporation for the purposes of this Act, as well as for the due and punctual payment of the interest thereupon, and all, each and every of the holders of the debentures in the last previous section mentioned, shall have a preferential pledge, mortgage, or hypothec or privilege on the said lands, waterworks and property appertaining thereto for securing the payment of the said debentures and the interest thereon.

Application of revenues.

31. After the construction of the works, all the revenues arising from or out of the supplying of water, or from the real or personal property connected with the said waterworks to be acquired by the said corporation under this Act, shall after providing for the expenses attendant upon the maintenance of the said waterworks, subject however to the provisions contained in section twenty of this Act, form part of the general funds of the corporation and may be applied accordingly.

Irregularity not to invalidate the debentures.

32. No irregularity in the passing of *the* by-law *mentioned in Section One of* this Act, or in the forms of the said debentures authorized by this Act in the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of said debentures and interest in any or either of them or any part thereof.

Works to be finished in three years.

33. The said waterworks shall be constructed, completed and finished, except as to the laying of additional pipes and mains, within *five* years from the passing of this Act.

No. 8.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting Waterworks for the Town of Wingham.

(Reprinted as Amended.)

1st Reading, 21st January, 1880.

(PRIVATE BILL.)

Mr. Ross.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 9.] **BILL.** [1880.

An Act to Incorporate the Erie Fire Insurance Company.

WHEREAS Marwood A. Gilbert, Charles Oaks Ermatinger, James H. Still, John Farley and others, have petitioned the Legislature of the Province of Ontario, that a company be incorporated under the name of "The Erie Fire Insurance Company," for the purpose of carrying on the business of Fire Insurance and insuring property against danger of injury by fire, lightning, explosion or other cause of injury or loss, and of reinsuring property, real and personal, insured by any other persons or company; and it is expedient to grant the prayer of the said petition: Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All such persons as shall become shareholders of the said company shall be and are hereby constituted and declared to be a body corporate and politic by the name, style and title of "The Erie Fire Insurance Company," and by that name shall and may have perpetual succession, and a common seal, with power to alter and change the same at pleasure, and may sue and be sued, contract and be contracted with in the corporate name, and for all or any of the objects aforesaid. Incorporation.

2. The capital stock of the said company shall be two hundred thousand dollars, divided into two thousand shares of one hundred dollars each; provided that the shareholders may at any special meeting called for that purpose, increase the amount of the capital stock at any time, or from time to time, to an amount not exceeding on the whole, five hundred thousand dollars; but no shareholder shall have the right to vote or participate in any way in the proceedings or profits of the company in respect of any share until ten per centum thereof shall have been actually and *bona fide* paid thereon. Stock.

3. None of the persons or bodies corporate, who may subscribe for stock, shall be liable for any further sum than the unpaid amount upon the stock subscribed by them. Liability of shareholders.

4. Until the first annual election hereafter provided for, the provisional board of directors shall consist of Marwood A. Gilbert, Charles Oaks Ermatinger, James H. Still, Joseph Mickleborough, Duncan McLarty, John Farley, Donald K. McKenzie, Henry Brown, John C. Lindop, Thomas L. Lindop, and Samuel Shepard, who shall be the directors of the company until others have been chosen as hereinafter provided for. Provisional Directors;

their powers.

5. The provisional board of directors shall have power to open stock books at such places as they may direct, and to keep the same open so long as they deem it necessary; and the number of directors shall be seven until at a general meeting of the shareholders their number be increased or decreased, but their number shall not be more than fifteen nor less than five.

Election of directors.

6. When fifty thousand dollars of the capital stock is subscribed, and five thousand dollars paid in, the provisional directors shall by advertisement in one or more newspapers published in the town of St. Thomas, in the Province of Ontario, call a meeting of the shareholders to elect a board of directors to manage the affairs of the company under this act; Provided always that until one hundred thousand dollars of stock shall be subscribed, and ten per centum paid thereon, the company shall not take any risk or do any business of insurance.

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Powers of directors.

7. The board of directors shall have power to call for ten per centum of the subscribed stock, so soon as they deem it expedient to do so, and to make calls for the remainder thereof in such sums or amounts, and at such times, upon the shares of the respective shareholders, as they may deem requisite for the purposes and interests of the company, and to sue for and enforce the payment of all or any of such calls, and may declare all shares forfeited on which such calls or any of them have not been duly paid, and may re-issue any such forfeited stock, and may allot the same or any part thereof to any person, or corporation, or sell the same or any part thereof; they shall also have power to fill vacancies in the board, occurring between the annual meetings of shareholders hereinafter provided for, from time to time as they occur; to appoint officers and agents, and to fix their remuneration and term of office (if necessary), and define and approve of their duties, obligations and securities, and to remove or dismiss all officers; and generally to transact all matters and things connected with the business of the company; but no contract shall be valid unless made under the seal of the company, and signed by the president or vice-president, or one of the directors (appointed by the others for that purpose), and countersigned by the manager, except the "interim receipt of the company," which shall be binding upon the company on such conditions as may be thereon printed by the direction of the board, where the same is signed by the officer or officers, or agent prescribed by the regulations or by-laws of the board; and the bills, cheques and promissory notes of the company which shall be signed by such person or persons as may be appointed by the board for that purpose. At all meetings of the directors three members of the board shall be a quorum, and all questions before them shall be decided by a majority of votes, and in case of an equality of votes, the president, vice-president or presiding director shall give the casting vote, in addition to his vote as a director.

Quorum.

Honorary and local directors.

The directors may also appoint honorary directors, or local directors, in any city, town or village in which the company transacts business, with such duties, powers and remuneration as they may deem proper, for the supervision of the business of the company in such places; but no person shall be qualified to be elected a director unless he holds (either in his own right or as a trustee) ten shares; nor as local director unless he holds

Qualification of directors.

five shares in the stock of the company, whereon the calls made shall have been paid.

Calls.

8. The remainder of the shares after payment of the first call of ten per cent. may be called for in such instalments as a majority of the directors may determine upon; but such instalments shall not be called for or become payable in less than sixty days after public notice shall have been given in at least one newspaper published in the town of St. Thomas.

Forfeited shares, if unsold to revert to owners on payment of calls.

9. If payment of the arrears of such subsequent instalments, interest, costs and expenses be made before any share or shares forfeited and vested in the company have been allotted or sold, such share or shares shall revert to the person or persons to whom the same belonged before such forfeiture, as if such instalments had been duly paid.

Evidence in actions for calls.

10. It shall only be necessary to prove in case of actions for arrears of calls, that the defendant was the owner of one or more shares in the company; that such calls were in fact made, and that notice was given as directed to be given by this Act; and it shall not be necessary to prove the appointment of the directors who made such calls, or any other matter whatsoever.

Power to re-insure.

11. The company shall have power and authority to cause themselves to be reinsured against any loss or risk they may have incurred in the course of their business.

Powers as to conditions, rates and investments.

12. The board shall, subject to the provisions of any general Act relating to policies of insurance, on their conditions, fix the rates at, and rules and conditions under, which the company's policies shall be issued, transferred or re-purchased, and shall have charge of the investment of the funds of the company, which may be invested in mortgages on real estate, in any of the public securities of the Dominion of Canada, or of any of the Provinces forming or to form said Dominion, in the bonds and debentures of any of the incorporated cities, towns, or municipal corporations of Ontario, or in the stocks or debentures of any building society or loan company, within the said Province; the company may hold such real estate, not exceeding the annual value of five thousand dollars, as is required for offices and such other estate as shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts or judgments recovered; Provided that all such last mentioned real estate shall be sold within ten years from the time of its becoming the absolute property of the company.

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Power to borrow.

13. The company shall have power to borrow money on the security of its debentures to an amount not exceeding the paid up amount of its capital stock.

Transfers of stock.

14. No transfer of any share of the stock of the company shall be binding or valid until entered in the books of the company, according to such form as the directors shall from time to time appoint and determine upon, and until the whole of the calls on the share to be transferred are paid up, it shall be necessary to obtain the consent of the directors to such transfer being made; and the transferee of such share shall from the time of such entry in the company's books be liable for the un-

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paid balance of such share, in the same manner as was the original holder thereof: Provided always that no stockholder indebted to the company shall be permitted to make a transfer, or receive a dividend, or vote on his stock, until such debt is paid, or secured to be paid, to the satisfaction of the directors; and the transmission of interest in any share of the stock of the company, in consequence of the marriage, insolvency, or death of the shareholder, or by any other means than the ordinary transfer, shall be proved and regulated in such form as the board may from time to time direct.

Company not bound to see to execution of trusts.

15. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share; and the receipt of the stockholder, his attorney or agent, in whose name the same may stand in the books of the company, shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, and whether or not notice of such trust has been given to the company, and the company shall not be bound to see to the application of the money paid upon such receipt.

Trustees entitled to vote.

16. Every executor, tutor, curator, guardian or trustee, shall represent the stock in his hands at all meetings of the company, and may vote accordingly as a shareholder.

Head office.

17. The head office of the company shall be in the town of St. Thomas, in the County of Elgin, and Province of Ontario.

Accounts to be balanced and submitted to shareholders annually.

18. Until otherwise ordered and determined by the board, the books shall be annually balanced, as at the thirtieth day of November once in each year; and within three months of the first day of December a general meeting of shareholders shall be called by the board, at which a full statement of the company's affairs shall be submitted; and two weeks' notice of such meeting shall be given by advertisement in at least one newspaper published in the town of St. Thomas aforesaid.

Votes.

19. At such general meeting shareholders shall have one vote for each share on which all calls are paid, which he, she or they shall have held (except in the case of the first meeting for election of directors) in his, her or their name or names, at least one month prior to the time of voting, and votes may be cast in person or by proxy, but no proxy can vote unless he be a qualified shareholder, unless otherwise provided for by the board; the shareholders shall at such meeting appoint directors by ballot, unless the election is unanimous, but all other proceedings shall be determined by open vote, but the company shall not be dissolved by failure to elect directors as above; corporations holding stock in the company may be represented at such meetings by their chief executive officers, and such officers may be appointed directors, although they themselves hold no stock in the company; and the shareholders shall decide the remuneration to be paid to the directors and the president and vice-president.

Special meetings.

20. Special meetings of the shareholders may be called by the directors, or on the requisition of shareholders holding one-third of the company's stock, and one month's notice of such special meetings, stating the objects for which they are called,

shall be sent to each shareholder by mail; lists of the shareholders shall be at all times accessible to any of them.

21. The company shall annually within fourteen days after the first meeting of the Legislature of the Province of Ontario, make to the Lieutenant-Governor in Council a return, verified by the oath of the president or vice-president and manager, of the amount of the capital stock subscribed and paid in, and of the income, expenditure and the assets and liabilities of the company in detail. Annual return to Government.

2—9

No. 9.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to Incorporate the Erie Fire Insurance Company.

1st Reading, , 1880.

(PRIVATE BILL.)

MR. NAIRN.

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET.

No. 9.] **BILL.** [1880.

An Act to incorporate the Erie Fire Insurance Company.

WHEREAS Marwood A. Gilbert, Charles Oaks Ermatinger, James H. Still, John Farley and others, have petitioned the Legislature of the Province of Ontario, that a company be incorporated under the name of "The Erie Fire Insurance Company," for the purpose of carrying on the business of fire insurance and insuring property against danger of injury by fire, lightning, explosion or other cause of injury or loss, and of reinsuring property, real and personal, insured by any other persons or company; and it is expedient to grant the prayer of the said petition: Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

☞ 1. Marwood A. Gilbert, Charles Oaks Ermatinger, James H. Still, Joseph Mickleborough, Duncan McLarty, John Farley, Donald K. McKenzie, Henry Brown, John C. Lindop, Thomas L. Lindop and Samuel Shepard, ☜ *and* all such *other* persons as shall become shareholders of the said company shall be, and are hereby constituted and declared to be, a body corporate and politic by the name, style and title of "The Erie Fire Insurance Company," and by that name shall and may have perpetual succession, and a common seal, with power to alter and change the same at pleasure, and may sue and be sued, contract and be contracted with, in the corporate name, and for all or any of the objects aforesaid. Incorporation.

☞ 2. The said company shall have power and authority, subject to the provisions of this Act, and of any general Act in that behalf, to effect contracts of insurance with any person or persons, body politic or corporate, against loss or damage by fire or lightning, on any house, store or any building whatsoever, and in like manner on any goods, chattels or personal estate whatsoever, for such time or times, and for such premiums or considerations as may be bargained and agreed upon or set forth by and between the company and the person or persons agreeing with them for such insurance, and generally to do all matters and things relating to or connected with fire insurance as aforesaid, and to make and to grant all policies therein, and thereupon; and generally to do and perform all other necessary matters and things connected with and proper to promote those objects. ☜ Powers.

3. The capital stock of the said company shall be two hundred thousand dollars, divided into two thousand shares of one Stock.

hundred dollars each ; provided that the shareholders may at any special meeting called for that purpose, increase the amount of the capital stock at any time, or from time to time, to an amount not exceeding on the whole, five hundred thousand dollars ; but no shareholder shall have the right to vote or participate in any way in the proceedings or profits of the company in respect of any share until ten per centum thereof shall have been actually and *bona fide* paid thereon.

Liability of shareholders

4. None of the persons or bodies corporate, who may subscribe for stock, shall be liable for any further sum than the unpaid amount upon the stock subscribed by them.

Provisional Directors;

5. Until the first annual election hereafter provided for, the provisional board of directors shall consist of *the said* Marwood A. Gilbert, Charles Oaks Ermatinger, James H. Still, Joseph Mickleborough, Duncan McLarty, John Farley, Donald K. McKenzie, Henry Brown, John C. Lindop, Thomas L. Lindop, and Samuel Shepard, who shall be the directors of the company until others have been chosen as hereinafter provided for.

their powers

6. The provisional board of directors shall have power to open stock books at such places as they may direct, and to keep the same open so long as they deem it necessary ; and the number of directors shall be seven until at a general meeting of the shareholders their number be increased or decreased, but their number shall not be more than fifteen nor less than five.

Election of directors.

7. When fifty thousand dollars of the capital stock is subscribed, and five thousand dollars paid in ☞ to one or more of the chartered banks in the Province, to be designated by the provisional directors, and not to be withdrawn therefrom except for the purposes of the company, ☜ the provisional directors shall by advertisement in one or more newspapers published in the town of St. Thomas, in the Province of Ontario, call a meeting of the shareholders to elect a board of directors to manage the affairs of the company under this act; Provided always that until one hundred thousand dollars of stock shall be subscribed, and *twenty* per centum paid thereon *and a license to carry on business in Ontario has been obtained,* the company shall not take any risk or do any business of insurance

Proviso.

Powers of directors.

8. The board of directors shall have power to call for ten per centum of the subscribed stock, so soon as they deem it expedient to do so, and to make calls for the remainder thereof in such sums or amounts, and at such times, upon the shares of the respective shareholders, as they may deem requisite for the purposes and interests of the company, and to sue for and enforce the payment of all or any of such calls, and may declare all shares forfeited on which such calls or any of them have not been duly paid, and may re-issue any such forfeited stock, and may allot the same or any part thereof to any person, or corporation, or sell the same or any part thereof; they shall also have power to fill vacancies in the board, occurring between the annual meetings of shareholders hereinafter provided for, from time to time as they occur; to appoint officers and agents, and to fix their remuneration and term of office (if

necessary), and define and approve of their duties, obligations and securities, and to remove or dismiss all officers; and generally to transact all matters and things connected with the business of the company. At all meetings of the directors three members of the board shall be a quorum, and all questions before them shall be decided by a majority of votes, and in case of an equality of votes, the president, vice-president or presiding director shall give the casting vote, in addition to his vote as a director. The directors may also appoint honorary directors, or local directors, in any city, town or village in which the company transacts business, with such duties, powers and remuneration as they may deem proper, for the supervision of the business of the company in such places; but no person shall be qualified to be elected a director unless he holds (either in his own right or as a trustee) ten shares, nor as local director unless he holds five shares in the stock of the company, whereon the calls made shall have been paid.

Quorum.

Honorary and local directors.

Qualification of directors.

9. The remainder of the shares after payment of the first call of ten per cent. may be called for in such instalments as a majority of the directors may determine upon; but such instalments shall not be called for or become payable in less than sixty days after public notice shall have been given in at least one newspaper published in the town of St. Thomas.

Calls.

10. If payment of the arrears of such subsequent instalments, interest, costs and expenses be made before any share or shares forfeited and vested in the company have been allotted or sold, such share or shares shall revert to the person or persons to whom the same belonged before such forfeiture, as if such instalments had been duly paid.

Forfeited shares, if unsold to revert to owners on payment of calls.

11. It shall only be necessary to prove in case of actions for arrears of calls, that the defendant was the owner of one or more shares in the company; that such calls were in fact made, and that notice was given as directed to be given by this Act; and it shall not be necessary to prove the appointment of the directors who made such calls, or any other matter whatsoever.

Evidence in actions for calls.

12. The company shall have power and authority to cause themselves to be reinsured against any loss or risk they may have incurred in the course of their business.

Power to re-insure.

13. The board shall, subject to the provisions of any general Act relating to policies of insurance, in their conditions, fix the rates at, and rules and conditions under, which the company's policies shall be issued, transferred or re-purchased, and shall have charge of the investment of the funds of the company, which may be invested in mortgages on real estate, in any of the public securities of the Dominion of Canada, or of any of the Provinces forming or to form said Dominion, in the bonds and debentures of any of the incorporated cities, towns, or municipal corporations of Ontario; the company may hold such real estate, not exceeding the annual value of five thousand dollars, as is required for offices and such other estate as shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts or judgments recovered; Provided that all such last mentioned real estate shall be sold within *five* years from the time of its becoming the absolute property of the company.

Powers as to conditions, rates and investments.

Proviso.

Transfers of stock.

14. No transfer of any share of the stock of the company shall be binding or valid until entered in the books of the company, according to such form as the directors shall from time to time appoint and determine upon, and until the whole of the calls on the share to be transferred are paid up, it shall be necessary to obtain the consent of the directors to such transfer being made; and the transferee of such share shall from the time of such entry in the company's books be liable for the unpaid balance of such share, in the same manner as was the original holder thereof: Provided always that no stockholder indebted to the company shall be permitted to make a transfer, or receive a dividend, or vote on his stock, until such debt is paid, or secured to be paid, to the satisfaction of the directors; and the transmission of interest in any share of the stock of the company, in consequence of the marriage, insolvency, or death of the shareholder, or by any other means than the ordinary transfer, shall be proved and regulated in such form as the board may from time to time direct.

Proviso.

Company not bound to see to execution of trusts.

15. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share; and the receipt of the stockholder, his attorney or agent, in whose name the same may stand in the books of the company, shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, and whether or not notice of such trust has been given to the company, and the company shall not be bound to see to the application of the money paid upon such receipt.

Penalty for paying dividend, if capital thereby impaired.

☞ **16.** If the directors of the company declare and pay any dividend when the company is insolvent, or any dividend the payment of which renders the company insolvent, or diminishes the capital stock thereof, the directors declaring such dividend shall be jointly and severally liable, as well to the company as to the individual shareholders and creditors thereof, for the amount of the dividend or dividends so paid; but if any director, present when such dividend is declared, do forthwith, or if any director, then absent, do, within twenty-four hours after he shall have become aware thereof, and able to do so, enter in the minutes of the board of directors his protest against the same, and do, within eight days thereafter, publish such protest in at least one newspaper published at or as near as may be possible to the head office of the company, such director may thereby, and not otherwise, exonerate himself from such liability. ☜

Trustees entitled to vote.

17. Every executor, tutor, curator, guardian or trustee, shall represent the stock in his hands at all meetings of the company, and may vote accordingly as a shareholder.

Head office.

18. The head office of the company shall be in the town of St. Thomas, in the County of Elgin, and Province of Ontario.

Accounts to be balanced and submitted to shareholders annually.

19. Until otherwise ordered and determined by the board, the books shall be annually balanced, as at the *thirty-first* day of *December* once in each year; and within three months of the first day of *January* a general meeting of shareholders shall be called by the board, at which a full statement of the company's affairs shall be submitted; and two weeks' notice of

such meeting shall be given by advertisement in at least one newspaper published in the town of St. Thomas aforesaid.

Votes.

20. At such general meeting shareholders shall have one vote for each share on which all calls are paid, which he, she, or they shall have held (except in the case of the first meeting for election of directors) in his, her or their name or names, at least one month prior to the time of voting, and votes may be cast in person or by proxy, but no proxy can vote unless he be a qualified shareholder, unless otherwise provided for by the board; the shareholders shall at such meeting appoint directors by ballot, unless the election is unanimous, but all other proceedings shall be determined by open vote, but the company shall not be dissolved by failure to elect directors as above; corporations holding stock in the company may be represented at such meetings by their chief executive officers, and such officers may be appointed directors, although they themselves hold no stock in the company; and the shareholders shall decide the remuneration *if any* to be paid to the directors and the president and vice-president.

Special meetings.

21. Special meetings of the shareholders may be called by the directors, or on the requisition of shareholders holding one-third of the company's stock, and one month's notice of such special meetings, stating the objects for which they are called, shall be sent to each shareholder by mail, *and two weeks' notice thereof shall be given by advertisement in at least one newspaper published in the said town of St. Thomas;* lists of the shareholders shall be at all times accessible to any of them.

R. S. O., c. 160, to apply.

☞ **22.** The company shall be subject to the provisions of chapter one hundred and sixty of the Revised Statutes of Ontario, intituled "An Act respecting Insurance Companies," and to all other general laws in force, or that may hereafter be in force, respecting Fire Insurance Companies.

No. 9.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to incorporate the Erie Fire Insurance Company.

(Reprinted as Amended.)

1st Reading, 15th January, 1880.

(PRIVATE BILL.)

Mr. NAIRN.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 10.] **BILL.** [1880.

An Act to amend the several Acts relating to the Toronto, Grey and Bruce Railway.

Preamble.

WHEREAS the Toronto, Grey and Bruce Railway has, owing chiefly to its exceptional gauge, become involved in financial difficulties and is unable to meet the interest on its bonds or to provide means for maintaining its Railway, or for the change of gauge and other expenditure necessary to put the undertaking on a proper basis; And Whereas the Company has petitioned for certain amendments to the Acts relating to the Railway and for such additional powers and provisions as will enable it to rearrange its affairs, to change its gauge, and to put the undertaking on an efficient basis through municipal aid and otherwise; And Whereas the Company has also petitioned for power to build a branch of the Railway to the village of Wingham; And Whereas it is expedient to grant the prayer of the petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Meetings of bondholders may be called.

1. The company may at any time, and from time to time as it may deem expedient, cause a meeting or meetings of the holders of the terminable bonds of the company to be called to be held on a day and hour named in the notice calling such meeting, at the general office of the company in Toronto, in order to consider a proposal for the exchange of such bonds for perpetual debenture stock;

Notice of meeting.

(2.) Notice of such meeting shall be published by the company at least once a week for four weeks in a daily newspaper published in Toronto, and once a week for four weeks in a daily newspaper published in London, England, and the first of such London publications shall be not less than six weeks before the day fixed for the meeting.

Votes.

2. At any such meeting any bondholder may act in person or by proxy, and each bondholder shall have one vote for each one hundred pounds sterling of bonds held by him.

A vote of two-thirds in value to accept debenture stock to bind all bondholders.

3. In case at any such meeting it be resolved by a vote of two-thirds or more in value of the bondholders there present or represented, that the bonds shall be exchanged for perpetual debenture stock (hereinafter called debenture stock), under the provisions of this Act, such resolution shall be binding on all the holders of bonds, whether present or represented or not, and whether dissenting or not, and upon any transferee or subsequent holder of any bond.

Publication of resolution.

4. The company shall publish notice of the passing of any such resolution in like manner as is by this Act provided for the publishing of notice of the meeting.

Right of bondholders.

Liability of company.

5. After the passing of any such resolution, the only right of the holders of bonds in respect of principal or interest, shall be to exchange their bonds for debenture stock, and the only liability of the company shall be to make such exchange, which shall be effected prior to the first day of July, one thousand eight hundred and eighty-one.

Debenture stock not to exceed $2,000,000.

Interested not to be included.

6. The total amount of debenture stock which the company may issue in exchange for bonds shall not exceed two million dollars, and each bondholder shall be entitled to five hundred dollars or one hundred pounds sterling of such stock for each one hundred pounds sterling of bonds held by him; but no bondholder shall be entitled to anything in respect of arrears of interest or accruing interest on his bonds, and the unpaid interest coupons shall be given up to the company on the exchange of bonds for debenture stock.

Agreement by two-thirds in value of bondholders with company to bind all bondholders.

7. In case, without any meeting of the bondholders such as is hereinbefore provided for, two-thirds or more in value of the bondholders shall by a memorandum in writing under their hands agree with each other and with the company, that the bonds shall be exchanged for debenture stock, such agreement shall be binding on all the bondholders, whether signatories of the said memorandum or not, and whether dissenting or not, and on any transferee or subsequent holder of any bond, and in such case the same things shall be done and the same results shall follow, *mutatis mutandis*, as are hereinbefore provided in the case of a resolution for such exchange.

Company to have all necessary powers.

8. The company shall have all the powers necessary for the issue and exchange of the debenture stock authorized by this Act, and for the carrying out of the objects of this Act in respect thereof.

Debenture stock to have same preference as bonds have.

9. The debenture stock shall be and stand as the bonds now stand, namely:—it shall without registration or further conveyance be a first mortgage and charge upon the Toronto Grey and Bruce Railway, and upon all and every the undertaking, and upon the real and personal property of the company, including the rolling stock and equipment, and whether such property be existing at the date of the exchange or be thereafter acquired, and upon the franchises of the company.

Interest on debenture stock.

10. Interest shall be payable on the debenture stock half-yearly, at a rate not less than three per cent. per annum, and not greater than four per cent. per annum, from the first day of January, one thousand eight hundred and eighty-one, to the first day of January, one thousand eight hundred and eighty-three, and at a rate not less than four per cent. and not more than five per cent. per annum, after the last mentioned date.

Company only to pay higher rate of interest under author-

11. In case the company purposes to pay interest on the debenture stock in any year prior to the first of January, one thousand eight hundred and eighty-three, at any rate greater

than three per cent. per annum, or in any year after the said last mentioned date at any rate greater than four per cent. per annum, it shall notify such its intention to the Lieutenant-Governor, who may thereupon appoint a Commissioner, who shall examine the railway, and its books, and affairs, and in case he determines that the earnings for the year will suffice, after providing thereout for the running expenses and the maintenance of the railroad and its equipments in good condition and working order, to provide for payment thereout of interest for the year at any rate greater than three per cent. if before the first of January, one thousand eight hundred and eighty-three, and four per cent. if thereafter, he shall report at what increased rate (not greater than four per cent. if before the first of January, one thousand eight hundred and eighty-three, or five per cent. if thereafter); interest can be paid after making such provisions as aforesaid out of such earnings, and the Lieutenant-Governor may thereupon order that interest be paid for the year at such increased rate, and thereupon, but not otherwise, the Company shall be authorized and liable to pay interest at such increased rate for the year.

ity from the Lieutenant-Governor.

12. In case interest be not paid in any year, prior to the first of January, one thousand eighs hundred and eighty-three, at the rate of four per cent. per annum, or in any year after that date at the rate of five per cent. per annum, the difference between the interest actually paid and interest at the rate in this section specified shall be and remain a charge on the net surplus earnings of the company in future years, after making provision thereout for running expenses, maintenance, and current interest, as provided in the eleventh clause of this Act, and shall be payable from time to time out of such earnings as and when the Lieutenant-Governor, upon the report of the Commissioner, may order, but there shall not be any other or further liability on the part of the company or of the undertaking to pay such difference.

Provisions as to interest in arrear.

13. From and after the first day of January, one thousand eight hundred and eighty-one, a general meeting of the company, which may be called the semi-annual meeting, shall be held yearly on the second Wednesday of March, and at such semi-annual meeting, reports respecting the affairs of the company shall be submitted in the same manner as at the general annual meeting.

Semi-annual meeting.

14. In case interest be not paid on the debenture stock at the rate of at least three per cent. in any year, then at the next and at all subsequent general annual or semi-annual meetings of the company, all holders of debenture stock shall have and possess the same rights and privileges and qualifications for acting and voting as shareholders, and for directors, and of being elected as directors, as belong to ordinary shareholders, provided that their debenture stock and any transfers thereof, be first registered in the same manner as is provided for the registration of ordinary shares;

If interest in arrear, holders of debenture stock entitled to vote, etc., at meetings.

(2.) At the annual or semi-annual meeting, which occurs first after such default, and at every annual meeting thereafter, the ordinary shareholders and registered debenture stockholders present in person or by proxy shall choose nine persons quali-

Election of directors after default.

fied as ordinary shareholders, or as debenture stockholders to be directors of the company in the same manner as is in that behalf provided by the Act to incorporate the company (31 Vic., cap. 40) and the amending Acts, and in case such election takes place at the semi-annual meeting, at which it is by this clause authorized to be held, the directors then holding office shall thereon be superseded by the newly elected directors, who shall take the places and exercise the powers of the former directors for the residue of the term for which they were elected.

Postal bonds and their redemption.

15. In case under the authority of, and with the consent required by the Acts in that behalf, postal bonds be at any time issued by the company, the company may pledge towards the redemption of such bonds a sum not exceeding five thousand dollars per annum of the general net earnings of the company apart from those specially appropriated for such postal bonds by the Acts in that behalf; and such pledge shall create a lien on the said earnings in priority to the interest of the first mortgage bonds or perpetual debenture stock; and the amount so pledged together with the surplus, if any, after payment of interest of the earnings, so as aforesaid specially appropriated, shall be applied in each year after one thousand eight hundred and eighty-three, in the payment of the principal of so many postal bonds as can be paid thereout, such bonds to be drawn yearly by lot, and when paid to be annulled and not re-issued.

Certain municipalities if giving aid to railway may elect a director.

16. The several township, town and village municipalities lying upon or near the said railway, or interested in the said undertaking, in the Counties of York, Peel, Simcoe, and in the provisional County of Dufferin, which shall aid or assist the said Company under the authority of the Act 41 Vic., cap. 55, or this Act, shall be together entitled to name a director of the said company as a representative of such municipalities; such director to be named by the Reeves of the said municipalities present at a meeting of such Reeves to be called by the secretary of the said company for a day in the week preceding the annual meeting for election of directors of the said company, and to be held at the said company's general office in Toronto; and each of the said Reeves shall have one vote for every one thousand dollars of bonus granted by the municipality or portion of the municipality which he represents;

(2.) The several township, town and village municipalities lying on or near to or interested in the western section of the said railway in the Counties of Wellington, Huron, and Bruce and the Townships of Egremont and Normanby, which shall aid or assist the said Company under the authority of the said Act (41 Vic., cap. 55), or this Act, shall be together entitled to name a director in the said company as the representative of such municipalities, such director to be appointed in the same manner as is provided in the first sub-section of this section;

(3.) Each director so appointed shall be in addition to all shareholders' directors in the said company, and shall not be required to be a shareholder in the said company, and shall continue in office as a director in the said company until his successor shall be appointed.

17. All the clauses and provisions of the several Acts now in force relating to the granting of bonuses and to by-laws therefor, shall apply to the granting by any municipality or part of a municipality of any bonus, loan or guarantee given subsequent to the first day of January, in the year of our Lord, one thousand eight hundred and eighty, for the purpose of enabling the company to change its guage, or otherwise improve the railway, provided always that it shall not be lawful to group municipalities together for such purpose; and provided further that in lieu of the existing provisions respecting the custody and management of the proceeds of any such bonus, or their application towards particular works, the Company and the municipality, or part of a municipality interested, may make such arrangements as shall to them seem expedient; and provided further that it shall be lawful for them to agree for the deposit of any such funds with the Provincial Treasurer to be paid out on the performance of the stipulated conditions.

Provisions of existing Acts apply to bonuses given after January, 1880.

Proviso.

Proviso.

Proviso.

18. The company shall have power to construct a branch of their railway from some point in the Township of Turnberry, to the Village of Wingham, provided the same be commenced within two years and completed within five years after the passing of this Act, and all the powers granted to the said company and to the municipalities by the several Acts relating to the said company and by this Act, shall apply to the further promotion of their Railway so extended and to such branch, except the power to group municipalities together for granting bonuses.

Power to construct branch to Wingham.

19. The said company shall have power to sell free from any lien or encumbrance whatsoever created by them by virtue of this or any other Act relating to the company, any lands acquired by them which shall cease to be required for the use of their railway or their works.

Sale of susplus land.

No. 10.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the several Acts relating to the Toronto, Grey and Bruce Railway.

1st Reading, , 1880.

(PRIVATE BILL.)

HON. MR. MORRIS.

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET.

No. 10.] BILL. [1880.

An Act to amend the several Acts relating to the Toronto, Grey and Bruce Railway.

Preamble.

WHEREAS the Toronto, Grey and Bruce Railway has, owing chiefly to its exceptional gauge, become involved in financial difficulties and is unable to meet the interest on its bonds or to provide means for maintaining its Railway, or for the change of gauge and other expenditure necessary to put the undertaking on a proper basis; and whereas the Company has petitioned for certain amendments to the Acts relating to the Railway and for such additional powers and provisions as will enable it to rearrange its affairs, to change its gauge, and to put the undertaking on an efficient basis through municipal aid and otherwise; and whereas the Company has also petitioned for power to build a branch of the Railway to the *town* of Wingham; and whereas it is expedient to grant the prayer of the petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Meetings of bondholders may be called.

1. The company may at any time, and from time to time as it may deem expedient, cause a meeting or meetings of the holders of the terminable bonds of the company to be called, to be held on a day and hour named in the notice calling such meeting, at the general office of the company in Toronto, in order to consider a proposal for the exchange of such bonds for perpetual debenture stock;

Notice of meeting.

(2.) Notice of such meeting shall be published by the company at least once a week for four weeks in a daily newspaper published in Toronto, and once a week for four weeks in a daily newspaper published in London, England, and the first of such London publications shall be not less than six weeks before the day fixed for the meeting.

Votes.

2. At any such meeting any bondholder may act in person or by proxy, and each bondholder shall have one vote for each one hundred pounds sterling of bonds held by him.

A vote of two-thirds in value to accept debenture stock to bind all bondholders.

3. In case at any such meeting it be resolved by a vote of two-thirds or more in value of the bondholders there present or represented, that the bonds shall be exchanged for perpetual debenture stock (hereinafter called debenture stock), under the provisions of this Act, such resolution shall be binding on all the holders of bonds, whether present or represented or not, and whether dissenting or not, and upon any transferee or subsequent holder of any bond.

Publication of resolution.

4. The company shall publish notice of the passing of any such resolution in like manner as is by this Act provided for the publishing of notice of the meeting.

Right of bondholders.

Liability of company.

5. After the passing of any such resolution, the only right of the holders of bonds in respect of principal or interest, shall be to exchange their bonds for debenture stock, and the only liability of the company shall be to make such exchange, which shall be effected prior to the first day of July, one thousand eight hundred and eighty-one.

Debenture stock not to exceed $2,000,000.

Interested not to be included.

6. The total amount of debenture stock which the company may issue in exchange for bonds shall not exceed two million dollars, and each bondholder shall be entitled to one hundred pounds sterling of such stock for each one hundred pounds sterling of bonds held by him; but no bondholder shall be entitled to anything in respect of arrears of interest or accruing interest on his bonds, and the unpaid interest coupons shall be given up to the company on the exchange of bonds for debenture stock.

Agreement by two-thirds in value of bondholders with company to bind all bondholders.

7. In case, without any meeting of the bondholders such as is hereinbefore provided for, two-thirds or more in value of the bondholders shall by a memorandum in writing under their hands agree with each other and with the company, that the bonds shall be exchanged for debenture stock, such agreement shall be binding on all the bondholders, whether signatories of the said memorandum or not, and whether dissenting or not, and on any transferee or subsequent holder of any bond, and in such case the same things shall be done and the same results shall follow, *mutatis mutandis*, as are hereinbefore provided in the case of a resolution for such exchange.

Acceptance of debenture stock by two-thirds in value of bondholders to bind all bondholders in same manner as an agreement.

8. In case, without any meeting of the Bondholders, such as is hereinbefore provided for and without any agreement by memorandum in writing of the Bondholders such as is hereinbefore provided for, two-thirds or more in value of the Bondholders shall exchange Bonds held by them for debenture stock in the manner mentioned in the *sixth* section, such exchange shall be binding on all the Bondholders, whether they have made such exchange or not, and whether dissenting or not and on on any transferee or subsequent holder of any Bond, and in such case the same things shall be done and the same results shall follow, *mutatis mutandis*, as are hereinbefore provided in the case of a resolution for such exchange.

Company to have all necessary powers.

9. The company shall have all the powers necessary for the issue and exchange of the debenture stock authorized by this Act, and for the carrying out of the objects of this Act in respect thereof. Such stock shall not be transferable in amounts less than £10 sterling, and no transfer shall include any fractional part of £1 sterling.

Debenture stock to have same preference as bonds have.

10. The debenture stock shall be and stand as the bonds now stand, namely:—it shall, without registration in any city or county registry office, or formal conveyance, be a first mortgage and charge upon the Toronto, Grey and Bruce Railway, and upon all and every the undertaking, and upon the real and personal property of the company, including the rolling stock

and equipments, and whether such property be existing at the date of the exchange or be thereafter acquired, and upon the franchise of the company.

Interest on debenture stock.

11. Interest shall be payable on the debenture stock half-yearly at the rate of five per cent. per annum, from the first day of January, one thousand eight hundred and eighty-one.

Company only to pay higher rate of interest under authority from the Lieutenant-Governor.

12. In case the company purposes to pay interest on the debenture stock in any year prior to the first of January, one thousand eight hundred and eighty-three, at any rate greater than three per cent. per annum, or in any year after the said last mentioned date at any rate greater than four per cent. per annum, it shall notify such its intention to the Lieutenant-Governor, who may thereupon appoint a Commissioner, who shall examine the railway, and its books, and affairs, and in case he determines that the earnings for the year will suffice, after providing thereout for the running expenses and the maintenance of the railroad and its equipments in good condition and working order, to provide for payment thereout of interest for the year at any rate greater than three per cent. if before the first of January, one thousand eight hundred and eighty-three, and four per cent. if thereafter, he shall report at what increased rate (not greater than five per cent), interest can be paid after making such provisions as aforesaid out of such earnings, and the Lieutenant-Governor may thereupon order that interest be paid for the year at such increased rate, and thereupon, but not otherwise, the Company shall be authorized and liable to pay interest at such increased rate for the year.

Provisions as to interest in arrear.

13. In case interest be not paid in any year at the rate of five per cent. per annum, the difference between the interest actually paid and interest at the rate in this section specified shall be and remain a charge on the net surplus earnings of the company in future years, after making provision thereout for running expenses, maintenance, and current interest, as provided in the last preceding section of this Act, and shall be payable from time to time out of such earnings as and when the Lieutenant-Governor, upon the report of the Commissioner, may order, but there shall not be any other or further liability on the part of the company or of the undertaking to pay such difference.

Semi-annual meeting.

14. From and after the first day of January, one thousand eight hundred and eighty-two, a general meeting of the company, which may be called the semi-annual meeting, shall be held yearly on the second Wednesday of March, and at such semi-annual meeting, reports respecting the affairs of the company shall be submitted in the same manner as at the general annual meeting.

If interest in arrear, holders of debenture stock entitled to vote, etc., at meetings.

15. In case interest be not paid on the debenture stock at the rate of at least three per cent. in any year, then at the next and at all subsequent general annual or semi-annual meetings of the company, all holders of debenture stock shall have and possess the same rights and privileges and qualifications for acting and voting as shareholders, and for directors, and of being elected as directors, as belong to ordinary shareholders, provided that their debenture stock and any transfers thereof, Proviso.

be first registered in the same manner as is provided for the registration of ordinary shares;

Election of directors after default.

(2.) At the annual or semi-annual meeting, which occurs first after such default, and at every annual meeting thereafter, the ordinary shareholders and registered debenture stockholders present in person or by proxy shall choose nine persons qualified as ordinary shareholders, or as debenture stockholders to be directors of the company in the same manner as is in that behalf provided by the Act to incorporate the company (31 Vic., cap. 40) and the amending Acts, and in case such election takes place at the semi-annual meeting, at which it is by this clause authorized to be held, the directors then holding office shall thereon be superseded by the newly elected directors, who shall take the places and exercise the powers of the former directors for the residue of the term for which they were elected.

Postal bonds and their redemption.

16. In case under the authority of, and with the consent required by the Acts in that behalf, postal bonds be at any time issued by the company, the company may pledge towards the redemption of such bonds a sum not exceeding five thousand dollars per annum of the general net earnings of the company apart from those specially appropriated for such postal bonds by the Acts in that behalf; and such pledge shall create a lien on the said earnings in priority to the interest of the first mortgage bonds or perpetual debenture stock; and the amount so pledged together with so much as shall remain after payment thereout of interest on the outstanding postal bonds of the earnings, so as aforesaid specially appropriated, shall be applied in each year after one thousand eight hundred and eighty-three, in the payment of the principal of so many postal bonds as can be paid thereout, such bonds to be drawn yearly by lot, and when paid to be cancelled and not re-issued.

Certain municipalities if giving aid to railway may elect a director.

17. The several township, town and village municipalities lying upon or near the said railway, or interested in the said undertaking, in the Counties of York, Peel, Simcoe, and in the provisional County of Dufferin, which shall aid or assist the said Company under the authority of the Act 41 Vic., cap. 55, or this Act, shall be together entitled to name a director of the said company as a representative of such municipalities; such director to be named by the majority of the Reeves of the said municipalities present at a meeting of such Reeves to be called by the secretary of the said company for a day in the week preceding the annual meeting for election of directors of the said company, and to be held at the said company's general office in Toronto; and each of the said Reeves shall have one vote for every one thousand dollars of bonus granted by the municipality or portion of the municipality which he represents;

(2.) The several township, town and village municipalities lying on or near to or interested in the western section of the said railway in the Counties of Wellington, Huron, and Bruce and the Townships of Egremont and Normanby, which shall aid or assist the said Company under the authority of the said Act (41 Vic., cap. 55), or this Act, shall be together entitled to name a director in the said company as the representative

of such municipalities, such director to be appointed in the same manner as is provided in this section;

(3.) Each director so appointed shall be in addition to all shareholders' directors in the said company, and shall not be required to be a shareholder in the said company, and shall continue in office as a director in the said company until his successor shall be appointed.

Aid to company.

18. The said company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the change of gauge, construction, re-construction, equipment, or maintenance of the said railway, by way of bonus, gift, or loan, in money or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as agreed upon.

Aid from municipalities.

19. Any *municipality* or any portion of a township municipality, which may be interested in securing the change of gauge or construction or re-construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass, or be situate, may aid the said company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained: Provided always that no such aid shall be given except after the passing of a by-law for the purpose and the adoption of such by-law by the qualified ratepayers of the municipality, or portion of municipality (as the case may be), as provided in the Municipal Act for the creation of debts; and provided also that all powers to group municipalities, or a municipality or municipalities, with a part of a municipality, or parts of municipalities, in voting upon by-laws granting municipal aid, contained in any Act or Acts heretofore passed relating to said railway, are hereby declared to be inoperative.

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Provisions as to bonus by-laws.

20. Such by-laws shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;

(2). In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under the Municipal Act;

(3). In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters as aforesaid;

(4). In the case of the section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

Provisions for referring to arbitration

21. In case of aid from a county municipality fifty resident freeholders of the county may petition the county council

disputes as to bonus by-laws.

against submitting the said by-law upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the Treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the Judge of the County Court, one being the Registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom; and the decision of any two of them shall be final; and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

Deposit for expenses.

22. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

"Minor Municipality," meaning of.

23. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality.

Rate not exceeding three cents in the dollar valid.

24. All municipalities or portions thereof interested in the change of gauge, construction, re-construction, equipment, or maintenance of the road of the said company, may grant aid by way of bonus to the said company, towards the change of gauge, construction, re-construction, equipment, or maintenance of such road, notwithstanding that such aid may increase the municipal taxation of such municipalities or portions thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates than three cents in the dollar upon the value of the ratable property therein.

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By-law, what to contain.

25. Such by-law shall in each instance provide:—

(1.) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law;

(2.) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be), an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, which debentures the

respective municipal councils, warden, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

If by-law carried, council to pass same;

26. In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same.

and issue debentures.

27. Within one month after the passing of such by-law, the said council and the warden, reeve, or other officers thereof shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law and otherwise act according to the terms thereof.

Exchange of debentures.

28. The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company and give in exchange therefor to the said township a like amount of debentures of the said county on a resolution to that effect being passed by the county council, but the township municipality shall in each case keep the county municipality fully indemnified against any rate or liability in respect of said debentures.

Trustees of debentures.

29. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six weeks after passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario: Provided, that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council with the consent of the company; and in case any trustee dies or resigns his trust, or goes to live out of Ontario or otherwise becomes incapable to act his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

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Trusts of debentures.

30. The said trustees shall receive the said debentures or bonds in trust: Firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto, as to time or manner, to convert the same into money or otherwise dispose of them: Secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of the "Toronto, Grey and Bruce Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company become entitled thereto

under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being, which certificate shall set forth, that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payments, or delivery of debentures, and such engineer shall not wrongfully grant any such certificate, under a penalty of five hundred dollars, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees to trustees.

31. The trustees shall be entitled to their reasonable fees and charges from said trust fund; and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Municipalities authorized to grant land.

32. Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company any lands belonging to such municipality which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government or any person or body, politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Exemption from or agreement as to taxes.

33. It shall further be lawful for the council of any municipality, in which any part of the railway of the company is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation and for such term of years as such municipal corporation may deem expedient not exceeding twenty-one years; and any such by-law shall not be repealed unless in conformity with a condition contained therein.

Extension of time for completion.

34. It shall and may be lawful for the council of any municipality that may grant, or that may have granted, a bonus to the company (and they shall have full power) to extend the time for completion of the works, on the completion of which the said company would be entitled to such bonus.

Extension of time for commencement.

35. The councils of all corporations that, or any portion of which, have heretofore granted, or may hereafter grant aid by way of bonus to the said company, may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time: Provided, that no such extension shall be for a longer period than one year.

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Agreements as to expenditure of bonus.

36. Whenever any municipality, or portion of a municipality, shall aid, loan, guarantee, or give money or bonds, by way of bonus, to aid the making, equipment, and completion of said road (extension and branches), or any part or parts thereof, it shall be lawful for the said company to enter into a valid agreement with any such municipality, binding the said

company to expend the whole of such aid so given upon works of construction within the limit of the municipality granting the same.

Power to construct branch to Wingham.

37. The company shall have power to construct a branch of their railway from some point in the Township of Turnberry, to the Town of Wingham, provided the same be commenced within two years and completed within five years after the passing of this Act, and sections numbers eighteen to thirty-six inclusive, shall apply to this Branch: ☞Provided always that before the said company shall have or exercise any of the powers granted by or contained in this section, they shall give to the municipalities of the Township of Culross and the Village of Teeswater, a bond in the form set forth in Schedule A to this Act, and the damages or sum, if any, at any time hereafter recovered against the said company under such bond shall be a lien and charge upon the whole of the said railway and upon the rolling stock and equipment thereof, and shall rank equal in priority with the first mortgage debentures or bonds of the said company or the debenture stock, in case the said debentures or bonds are converted into debenture stock under the provisions of this Act; Provided further that nothing in this section shall affect the agreements made between the said company and any municipality.☜

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Sale of surplus land.

38. The said company shall have power to sell, free from any lien or encumberance whatsoever created by them by virtue of this or any other Act relating to the company, any lands aquired by them which shall cease to be required for the use of their railway or their works.

SCHEDULE A.

(Section 37.)

☞Know all men that we the Toronto, Grey and Bruce Railway Company are held and firmly bound unto the municipalities of the Township of Culross and the Village of Teeswater, jointly and severally, in the sum of forty-three thousand dollars, that is to say, to the Township of Culross in the sum of thirty-eight thousand dollars, and to the Village of Teeswater in the sum of five thousand dollars liquidated damages and not by way of a penalty.

Sealed with our seal, and dated this day of A.D. .

Now the condition of the above written bond or obligation is such, that if the Toronto, Grey and Bruce Railway Company continue to run daily trains on their present line of railway to Teeswater as heretofore, accidents and reasonable temporary delays excepted, with the same accommodation for passengers and freight as heretofore supplied, then this obligation shall be void and of no effect, otherwise the same shall remain in full force and virtue.☜

No. 10.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the several Acts relating to the Toronto, Grey and Bruce Railway.

(Reprinted as Amended.)

1st Reading, 22nd January, 1880.

(PRIVATE BILL.)

MR. MORRIS.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

[No. 11. **BILL.** 1880.]

An Act to authorize the Trustees of the Presbyterian Congregation of Lobo, known as Melville Church, to sell certain lands.

Preamble.

WHEREAS the Presbyterian congregation in the Township of Lobo, in the County of Middlesex, and otherwise known as Melville Church, and in connection with the Presbyterian Church in Canada, do hold in fee simple a part of the easterly and northerly part of Lot number twelve in the eighth concession of the aforesaid Township of Lobo, containing thirty acres, more or less, which said lands were conveyed to the trustees of the aforesaid congregation on the eighteenth day of September, in the year of our Lord, one thousand eight hundred and fifty-five; and whereas the above mentioned congregation, at a regular meeting called for the purpose, decided to sell and convey twenty-two acres of the aforesaid lands, and apply the proceeds of such sale in building a manse and otherwise improving the remaining portion of the property; and whereas it was expressly provided in the said deed that the said land should not be changed, sold, or alienated by the said trustees, except for the purpose of providing another place of worship for the behoof of the said body of Christians; and whereas the trustees were at said meeting instructed to make application to the Legislature of Ontario to pass an Act empowering them (the trustees) to sell and convey the aforementioned twenty-two acres of land; and whereas the congregation has received the consent of the London Presbytery and of the grantor as to the sale of the lands, and all requisite formalities have been complied with, and whereas it is expedient that the said lands should be sold;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power given to Trustees to sell and convey.

The Trustees of the Presbyterian congregation in the Township of Lobo, of the County of Middlesex, for the time being, and their successors in office (and otherwise known as Melville Church, and in connection with the Presbyterian Church in Canada), are hereby empowered to grant, bargain, sell and convey twenty-two acres of land, being a part of the easterly and northerly part of lot number twelve in the eighth concession of the Township of Lobo, in the County of Middlesex; and they are hereby empowered to sell and convey as aforesaid, any twenty-two acres they see fit, and in such quantity or quantities as they see fit; Provided always, that a full description of the boundaries of the twenty-two acres or any part to be sold, shall be inserted in the deed given by the trustees to the purchaser or purchasers, and such deed of conveyance shall be valid and binding upon all parties thereto.

Proviso.

No. 11.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to authorize the Trustees of the Presbyterian Congregation of Lobo, known as Melville Church, to sell certain lands.

First Reading. 1880.

(PRIVATE BILL.)

Mr. WATERS.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 11.] BILL. [1880.

An Act to authorize the trustees of the Presbyterian Congregation of Lobo, known as Melville Church, to sell certain lands.

Preamble.

WHEREAS the Presbyterian congregation in the Township of Lobo, in the County of Middlesex, and otherwise known as Melville Church, and in connection with the Presbyterian Church in Canada, do hold in fee simple a part of the easterly and northerly part of Lot number twelve in the eighth concession of the aforesaid Township of Lobo, containing thirty acres, more or less, which said lands were conveyed to the trustees of the aforesaid congregation *by deed bearing date* on the eighteenth day of September, in the year of our Lord, one thousand eight hundred and fifty-five; and whereas the above mentioned congregation, at a regular meeting called for the purpose, decided to sell and convey twenty-two acres of the aforesaid lands, and apply the proceeds of such sale in building a manse and otherwise improving the remaining portion of the property; and whereas it was expressly provided in the said deed that the said land should not be charged, sold, or alienated by the said trustees, except for the purpose of providing another place of worship for the behoof of the said body of Christians; and whereas the trustees were at said meeting instructed to make *and have made* application to the Legislature of Ontario to pass an Act empowering them (the trustees) to sell and convey the aforementioned twenty-two acres of land; and whereas the congregation has received the consent of the London Presbytery and of the grantor *named in the said deed* as to the sale of the lands, and all requisite formalities have been complied with, and whereas it is expedient that the said *twenty-two acres of land* should be sold;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power given to Trustees to sell and convey.

1. The trustees of the Presbyterian congregation in the Township of Lobo, of the County of Middlesex, for the time being, and their successors in office (and otherwise known as Melville Church, and in connection with the Presbyterian Church in Canada), are hereby empowered to grant, bargain sell, and convey twenty-two acres of land, being a part of the easterly and northerly part of lot number twelve in the eighth concession of the Township of Lobo, in the County of Middlesex; and they are hereby empowered to sell and convey as aforesaid, any twenty-two acres *of the said land which* they see fit, and in such quantity or quantities as they see fit; Provided always, that a full description of the boundaries of the twenty-

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two acres or any part to be sold, shall be inserted in the deed given by the trustees to the purchaser or purchasers, and such deed of conveyance shall be valid and binding upon all parties thereto, ☞ and provided moreover that no part of the said twenty-two acres so authorized to be sold and conveyed shall include that part of the said land whereon is now situate and being the church of the said congregation and the burial-ground used in connection therewith.

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Application of proceeds of sale.

2. The said trustees shall hold the proceeds of such sale or sales, as the case may be, in trust to apply the same in the building of a manse for the use of the clergyman of the said congregation for the time being; and in the improvement of the portion of the said land that may not be sold under the authority of this Act. ☜

No. 11.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to authorize the trustees of the Presbyterian Congregation of Lobo, known as Melville Church, to sell certain lands.

(Reprinted as Amended.)

1st Reading, 16th January, 1880.

(PRIVATE BILL.)

Mr. Waters.

TORONTO:

Printed by C. Blackett Robinson.

No. 12.] **BILL.** [1880.

An Act to Incorporate the Port Rowan and Lake Shore Railway Company.

Preamble

WHEREAS the construction of a railway from a point in or near the Village of Port Dover, in the County of Norfolk, to a point at or near the Village of Vittoria, thence to a point at or near the Village of Forrestville, thence to a point at or near the Village of St. Williams, thence to a point at or near Port Rowan, and thence to a point in or near to the Village of Port Royal, on Big Creek, in the Township of Walsingham, in the said County of Norfolk, has become desirable for the development of the resources of certain portions of the said County of Norfolk, and for the public convenience and acommodation of the inhabitants thereof; And whereas William Collier, John McBride, Henry Anderson, John E. Stearns, H. A. Mabee, Richard Richardson, D. A. McColl, D. L. Beamer, Simpson McColl, and others, inhabitants of the said County of Norfolk, have by their petition prayed that they may be incorporated for the purpose of constructing such a Railway, and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. William Collier, John McBride, Henry Anderson, John E. Stearns, H. A. Mabee, Richard Richardson, D. A. McColl, D. L. Beamer, and Simpson McColl, together with such other persons and corporations as shall in pursuance of this Act, become shareholders of the Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of the "Port Rowan and Lake Shore Railway Company."

Name of Company.

R. S. O., c. 165 to apply.

2. The several clauses of "The Railway Act of Ontario" with respect to the first, second, third, fourth, fifth, sixth and seventh clauses thereof, and also the several clauses thereof, with respect to "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors," "calls," "shares and their transfer," "shareholders," "municipalities taking stock," "by-laws, notices, &c.," "working of the Railway," "actions for indemnity and fines and penalties and their prosecution," and "general provisions" shall be incorporated with and be deemed to be a part of this Act, and shall apply to the said Company and to the Railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein shall

be understood to include the clauses of the said "Railway Act of Ontario," so incorporated with this Act.

Location of line.

3. The said Company shall have full power under this Act to construct a Railway from a point at or near the Western Pier, on the Beach in or near the Village of Port Dover, in the County of Norfolk, to a point at or near the Village of Vittoria, in the Township of Charlotteville, in the said County of Norfolk, thence to a point at or near the Village of Forrestville, in the said Township of Charlotteville, thence to a point at or near the Village of St. Williams, in the said Township of Walsingham, thence to a point at or near Port Rowan, in the Township of Walsingham, in the said County of Norfolk, thence to a point in, at or near Port Royal on Big Creek, in the last mentioned Township, with full power to pass over any portion of the country between the points aforesaid, and to carry the said Railway through the Crown Lands lying between the points aforesaid.

Gauge.

4. The gauge of the said Railway shall be four feet eight and one-half inches.

Form of conveyances.

5. Conveyances of lands to the said Company for the purposes of and powers given by this Act, made in the form set out in the schedule "A" hereunder written, or to the like effect, shall be sufficient conveyances to the said Company, their successors and assigns, of the estate or interest, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Provisional directors.

6. From and after the passing of this Act, the said William Collier, John McBride, Henry Anderson, John C. Stearns, H. A. Mabee, Richard Richardson, D. A. McColl, D. L. Beamer and Simpson McColl, shall be the provisional directors of the said Company.

Powers of provisional directors.

7. The said provisional directors, until others shall be named as hereinafter provided, shall constitute the board of directors of the Company, with power to fill vacancies occurring thereon; to associate with themselves thereon not more than three other persons, who upon being so named shall become and be provisional directors of the Company, equally with themselves; to open stock books; to make a call upon the shares subscribed therein; to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided, and with all such other powers as under the Railway Act, and other laws in force in Ontario, are vested in such boards.

Capital stock.

8. The capital stock of the Company hereby incorporated, shall be one hundred and fifty thousand dollars (with power to increase the same in the manner provided by the Railway Act), to be divided into three thousand shares of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised

shall be applied, in the first place, to the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment, and completion of the said railway and the other purposes of this Act; and until such preliminary expenses shall be paid out of the said capital stock, the municipality of any city, county, town, township or village, on the line of such works may pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall hereafter, if such municipality shall so require, be refunded to such municipality, from the capital stock of the company, or be allowed to it in payment of stock.

Ten per cent. to be paid at time of subscription.

9. On the subscription for shares of the said capital stock, each subscriber shall pay to the directors, for the purposes set out in this Act, ten per centum of the amount subscribed by him, and the said directors shall deposit the same in some chartered bank to the credit of the said Company.

Future calls.

10. Thereafter calls may be made by the directors, for the time being, as they shall see fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber.

First election of directors.

11. As soon as shares to the amount of fifty thousand dollars of the capital stock of the said Company shall have been subscribed, and ten per centum thereof paid into some chartered bank, having an office in the Town of Simcoe, in the said County of Norfolk (which shall on no account be withdrawn therefrom, unless for the service of the Company), the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum thereof, for the purpose of electing directors of the said company.

How meeting may be called if provisional directors neglect to call the same.

12. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum and who are subscribers among them for not less than one thousand dollars of the said capital stock, and who have paid up all calls thereon.

Notice of general meeting.

13. In either case, notice of the time and place of holding such general meeting, shall be by publication in the *Ontario Gazette* and in two weekly newspapers published in the said County of Norfolk, once in each week, for the space of at least four weeks, and such meeting shall be held in the Village of Port Dover aforesaid, at such place therein and on such day as may be named by such notice. At such general meeting the subscribers for the capital stock assembled who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose nine persons to be the directors of the said Company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient provided they be not inconsistent with this Act.

Election o directors.

Annual meetings.

14. Thereafter the general annual meeting of the shareholders of the said Company shall be held in such place in the Village of Port Dover, and on such days and on such hours as may be directed by the by-laws of the said company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette* and in two weekly newspapers published in the said County of Norfolk.

Special general meetings.

15. Special general meetings of the shareholders of the said company may be held at such places in the Village of Port Dover, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said company.

Votes.

16. Every shareholder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting.

Qualification of directors.

17. No person shall be qualified to be elected as such Director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon.

Quorum of directors.

18. Any meeting of the Directors of the said Company regularly summoned, at which not less than five Directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said Directors.

Aid from municipalities

19. It shall be lawful for any municipality, or municipalities, or any county municipality, or any portion of any such municipality, or municipalities, or county municipality, which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of said company shall pass or be situated, to aid and assist the said company by loaning or guaranteeing, or giving money by way of bonus or other means, to the company, or issuing municipal bonds to or in aid of the company and otherwise, in such manner and to such extent as such municipalities or any of them, shall think expedient; Provided always, that no such aid, loan, bonus or guarantee shall be given, except after the passing of by-laws for the purpose, and the adoption of such by-laws by the rate-payers, as provided in the municipal act for the creation of debts.

Proviso.

Provision where a portion of a municipality petition.

20. In case the majority of the persons rated on the last assessment roll as freeholders, who may be qualified voters under the municipal act, in any portion of a municipality, do petition the council of such municipality to pass a by-law as hereinafter set out, such petition to define the metes and bounds of the section of the municipality within which the property of the petitioners is situated, or in the case of a county municipality, the majority of the reeves and deputy reeves for those townships that may be asked to grant a bonus, do petition the council of such county municipality to pass a by-law as hereinafter set out, and in such petition define the townships for

which they are respectively the reeves and deputy-reeves, and express the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said company for this purpose, and state the amount which they so desire to grant and to be assessed for, the council of such municipality shall pass a by-law, and submit the said by-law to the vote of the qualified rate-payers.

(1.) For raising the amount so petitioned for by such freeholders, or such reeves and deputy-reeves, in such portion of the municipality, by the issue of debentures of the municipality, payable in twenty years, or by equal annual instalments of principal with interest, and for the delivery to the trustees, hereinafter mentioned, of the debentures for the amount of said bonus at the times and on the terms specified in said petition.

(2.) For assessing and levying upon all the ratable property lying within the section defined by said petition an equal annual special rate, sufficient to include a sinking fund, for the repayment of the debentures with interest thereon, said interest to be payable yearly or half-yearly; which debentures the municipal councils and the wardens, reeves, and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

If by-law carried, the council to pass the same;

21. In case such by-law be approved or carried by the majority of the votes given thereon, then within one month after the date of such voting, the said council shall read the said by-law a third time and pass the same.

and issue debentures.

22. Within one month after the passing of such by-law, the said council and the warden, mayor, reeve, or other head thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this act.

Rate to be levied on part of municipality.

23. In case any bonus be so granted by a portion of a municipality, or county municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of the municipality or county municipality.

Municipal Act to apply to the by-laws.

24. The provisions of the "Municipal Act," so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a municipality or a county municipality, to the same extent as if the same had been passed by or for the whole municipality or county municipality.

By-laws to be valid though rate exceeds two cents in the dollar.

25. All by-laws to be submitted to such vote for granting bonuses to the said company, not requiring the levying of a greater annual rate than three cents in the dollar of the ratable property affected thereby, shall be valid, although the amount of the annual rate to be levied in pursuance thereof, shall exceed two cents in the dollar.

Exemption.

26. It shall further be lawful for the corporation of any municipality, through any part of which the railway of the said company passes or is situate, by by-law expressly passed for that purpose, to exempt the said company and its property, within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum

per annum or otherwise, in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years.

Appointment of Directors by municipalities.

27. When any municipality shall grant a bonus of not less than dollars in aid of the said company, the Council of such municipality shall be entitled to name a director in the said company as the representative of such municipality; and such director shall be, in addition to all shareholders' directors in the said company, and shall not require to be a shareholder in the said company, and shall continue in office as director in the said company until his successor shall be appointed by the municipality which he represents.

Trustees of debentures.

28. Whenever a municipality shall grant a bonus to aid the said company in the making, equipping and completion of the said railway, the debentures thereof shall, within six weeks after the passing of the by-law authorizing the same, be delivered to three trustees, namely, Dr. Dimond and Joseph Bell, of the of in the County of Norfolk, and one to be named by the Lieutenant-Governor in Council: Provided that if the Lieutenant-Governor in Council shall refuse or neglect to name such trustee within one month after notice in writing to him requiring him to appoint such trustee, the said company shall be at liberty to name one in the place of the one to have been named by said Lieutenant-Governor in Council.

Proviso.

Vacancies in the office of Trustee.

29. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council with the consent of the said company; and in case any trustee dies, or resigns his trust, or goes to live out of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council with the consent of said company.

Act of two trustees to be binding.

30. The act of any two such trustees shall be as valid and binding as if the three had agreed.

Trusts of debentures.

31. The said trustees shall receive the said debentures in trust; firstly, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some of the chartered banks having an office in the Town of Simcoe, in the name of "The Port Rowan and Lake Shore Railway Municipal Trust Account," and to pay the same out to the said company from time to time on the certificate of the Chief Engineer of the said railway in the form set out in Schedule "B" hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is to be applied, and the total amount expended on such portion to the date of the certificate, and that the sum so certified does not exceed the *pro rata* amount per mile for the length of the road or portion of the road, to be applied on the work so done, and such certificates shall be attached to the cheques to be drawn by the said trustees; and the wrongfully granting any such

certificate by such engineer, shall be punishable by fine of not less than one thousand dollars, recoverable in any court of competent jurisdiction in the Province of Ontario, and imprisonment in the discretion of the Court.

Counties in which townships grant bonuses may take township debentures in exchange for county debentures.

32. Any county in which is or are situated a township or townships, or a portion of a township, that shall grant a bonus or bonuses, in aid of the said company, shall be at liberty to take the debentures issued by such township or townships, or portion of a township, and in exchange therefor to hand over to the trustees under this Act, the debentures of the county on a resolution being passed to that effect by a majority of the County Council.

Issue of bonds.

33. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the President or Vice-President of the said company, and countersigned by the Secretary and Treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the company, real and personal, then existing and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the company aforesaid: Provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of seventy-five thousand dollars, nor shall the amount of such bonds issued at any one time be in excess of the amount of municipal and other bonuses and paid up share capital actually expended in surveys, purchase of right of way and works of construction and equipment upon the line of the said railway, or material actually purchased, paid for and delivered to the company within the Provinces of Ontario and Quebec: and Provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, and privileges, and qualifications for directors and for voting as are attached to shareholders: Provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Proviso.

Proviso.

Proviso.

Bonds, etc., may be made payable to bearer.

34. All such bonds, debentures, mortgages, and other securities and coupons, and interest warrants thereon respectively may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer may sue at law thereon in his own name.

Company may make promissory notes, etc.

35. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than one hundred dollars, and any such promissory note made or endorsed by the President or Vice-Presi-

dent of the company and countersigned by the Secretary and Treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, or shall the President or Vice-President, or the Secretary and Treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Proviso.

Powers as to lands.

36. Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, or enjoy such lands and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or part thereof from time to time as they may deem expedient.

Commencement and completion of railway.

37. The railway shall be commenced within one year and completed within two years after the passing of this Act, or else the charter shall be forfeited.

Agreements with other companies.

38. It shall be lawful for the said company to enter into any agreement with any other railway company in the Dominion of Canada, for leasing the said railway, or any part thereof, or the use thereof, at any time or times, or for any period, to such other company, or for leasing or hiring from such other company any railway or part thereof, or the use thereof; or for leasing or hiring any locomotives, tenders or moveable property; and generally to make any agreement or agreements with any such other company, touching the use by one or the other, or by both companies, of the railway or moveable property of either, or of both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor; or such other railway company as well as any other corporation may agree upon any such terms as they may mutually consent to, for the loan of its credit to, or may subscribe to and become the owner of the stock of, the railway company hereby created in like manner and with like rights as individuals; but in so far only as the powers hereby conferred may be construed to have reference to any act, deed, matter or thing to be done, executed, fulfilled or performed within the limits of the Province of Ontario, to the other and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by courts of law, according to the terms and tenor thereof; and any company or individual accepting and executing such lease shall be and is

empowered to exercise all the rights and privileges in the charter conferred.

39. The said railway company shall at all times receive and carry cordwood or any wood or fuel, at a rate not to exceed for dry wood three cents per mile per cord from all stations in full car loads, and for green wood at the rate of three cents per ton per mile. The company shall further at all times furnish every facility necessary for the free and unrestrained traffic in cordwood and fuel, to as large an extent as in the case of other freight carried over the said railway: Provided always that the owner, consignor or consignee of the said wood or fuel, shall load and unload the same on and off the cars of the said company, or cause the same to be done at the expense of the said owner, consignor, or consignee, and in case any car is detained for more than twenty-four hours after its arrival at its destination, without being unloaded by the owner, or consignee, then it shall and may be lawful for the said company to charge demurrage. Carriage of cordwood. Proviso.

SCHEDULE "A".

(*Section* 5.)

Know all men by these presents, that I (*or* we) (*insert the name or names of the vendor or vendors*), in consideration of dollars paid to me (*or* us) by the Port Rowan and Lake Shore Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (*or* we) (*insert the name of any other party or parties*) in consideration of dollars paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or* those certain parcels *as the case may be*) of land situate (*describe the land*), the same having been selected and laid out by the said company for the purposes of the said railway, to hold with the appurtenances unto the said the Port Rowan and Lake Shore Railway Company, their successors and assigns (*here insert any other clauses, covenants, or conditions required*). And I (*or* we) the wife (*or wives*) of the said , do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of , one thousand eight hundred and

Signed, sealed and delivered in the presence of } [L. S.]

SCHEDULE "B."

(*Section* 31.)

Chief Engineer's Certificate.

THE PORT ROWAN AND LAKE SHORE RAILWAY COMPANY'S OFFICE, Engineer's Department,
A.D. 18

No.

Certificate to be attached to cheques drawn on the Port Rowan and Lake Shore Railway Municipal Trust Account, and given under section thirty-one, of chapter , forty-three Victoria.

I, Chief Engineer for the Port Rowan and Lake Shore Railway, do hereby certify that there has been expended in the construction of mile number (*the said mileage being numbered consecutively from the terminus at the Village of Port Dover*), the sum of dollars to date, and that the total *pro rata* amount due for the same from the said Municipal Trust Account, amounts to the sum of dollars, which said sum of dollars is now due and payable as provided under this Act.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to incorporate the Port Rowan and Lake Shore Railway Company.

1st Reading, 1880.

(*PRIVATE BILL.*)

Mr. MORGAN.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 12.] BILL. [1880.

An Act to incorporate the Port Rowan and Lake Shore Railway Company.

Preamble

WHEREAS the construction of a railway from a point in or near the Village of Port Dover, in the County of Norfolk, to a point at or near the Village of Vittoria, thence to a point at or near the Village of Forrestville, thence to a point at or near the Village of St. Williams, thence to a point at or near Port Rowan, and thence to a point in or near to the Village of Port Royal, on Big Creek, in the Township of Walsingham, in the said County of Norfolk, has become desirable for the development of the resources of certain portions of the said County of Norfolk, and for the public convenience and accommodation of the inhabitants thereof; and whereas William Collier, John McBride, Henry *Walter* Anderson, John E. Stearns, H. A. Mabee, Richard Richardson, D. A. McColl, D. L. Beamer, Simpson McColl, and others, inhabitants of the said County of Norfolk, have by their petition prayed that they may be incorporated for the purpose of constructing such a Railway, and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. William Collier, John McBride, Henry *Walter* Anderson, John E. Stearns, H. A. Mabee, Richard Richardson, D. A. McColl, D. L. Beamer, and Simpson McColl, together with such other persons and corporations as shall in pursuance of this Act, become shareholders of the Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of the "Port Rowan and Lake Shore Railway Company."

Name of Company.

Location of line.

2. The said Company shall have full power under this Act to construct a Railway from a point at or near the Western Pier, on the Beach in or near the Village of Port Dover, in the County of Norfolk, to a point at or near the Village of Vittoria, in the Township of Charlotteville, in the said County of Norfolk, thence to a point at or near the Village of Forrestville, in the said Township of Charlotteville, thence to a point at or near the Village of St. Williams, in the said Township of Walsingham, thence to a point at or near Port Rowan, in the Township of Walsingham, in the said County of Norfolk, thence to a point in, at, or near Port Royal on Big Creek, in the last mentioned Township.

Gauge.

3. The gauge of the said Railway shall be four feet eight and one-half inches.

Form of conveyances.

4. Conveyances of lands to the said Company for the purposes of and powers given by this Act, made in the form set out in the schedule "A" hereunder written, or to the like effect, shall be sufficient conveyances to the said Company, their successors and assigns, of the estate or interest, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Provisional directors.

5. From and after the passing of this Act, the said William Collier, John McBride, Henry *Walter* Anderson, John E. Stearns, H. A. Mabee, Richard Richardson, D. A. McColl, D. L. Beamer and Simpson McColl, shall be the provisional directors of the said Company.

Powers of provisional directors.

6. The said provisional directors, until others shall be named as hereinafter provided, shall constitute the board of directors of the Company, with power to fill vacancies occurring thereon; to associate with themselves thereon not more than three other persons, who upon being so named shall become and be provisional directors of the Company, equally with themselves; to open stock books; to make a call upon the shares subscribed therein; to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided, and with all such other powers as under the Railway Act, and other laws in force in Ontario, are vested in such boards.

Capital stock.

7. The capital stock of the Company hereby incorporated, shall be one hundred and fifty thousand dollars (with power to increase the same in the manner provided by the Railway Act), to be divided into three thousand shares of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied, in the first place, to the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of such money shall be applied to the making, equipment, and completion of the said railway and the other purposes of this Act; and until such preliminary expenses shall be paid out of the said capital stock, the municipality of any city, county, town, township or village, on the line of such works may pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall hereafter, if such municipality shall so require, be refunded to such municipality, from the capital stock of the company, or be allowed to it in payment of stock.

Ten per cent. to be paid at time of subscription.

8. On the subscription for shares of the said capital stock' each subscriber shall pay to the directors, for the purposes set out in this Act, ten per centum of the amount subscribed by him, and the said directors shall deposit the same in some chartered bank to the credit of the said Company.

Future calls.

9. Thereafter calls may be made by the directors, for the time being, as they shall see fit, provided that no calls shall be

made at any one time of more than ten per centum of the amount subscribed by each subscriber.

First election of directors.

10. As soon as shares to the amount of fifty thousand dollars of the capital stock of the said Company shall have been subscribed, and ten per centum thereof paid into some chartered bank, having an office in the Town of Simcoe, in the said County of Norfolk (which shall on no account be withdrawn therefrom, unless for the service of the Company), the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum thereof, for the purpose of electing directors of the said company.

How meeting may be called if provisional directors neglect to call the same.

11. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum and who are subscribers among them for not less than one thousand dollars of the said capital stock, and who have paid up all calls thereon.

Notice of general meeting.

12. In either case, notice of the time and place of holding such general meeting, shall be by publication in the *Ontario Gazette* and in two weekly newspapers published in the said County of Norfolk, once in each week, for the space of at least four weeks, and such meeting shall be held in the Village of Port Dover aforesaid, at such place therein and on such day as may be named by such notice. At such general meeting the subscribers for the capital stock assembled who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose nine persons to be the directors of the said Company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient provided they be not inconsistent with this Act.

Election o directors.

Annual meetings.

13. Thereafter the general annual meeting of the shareholders of the said Company shall be held *either* in the Village of Port Dover *or in the Village of Port Rowan, in such place* and on such days and on such hours as may be directed by the by-laws of the said company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette* and in two weekly newspapers published in the said County of Norfolk.

Special genera meetings.

14. Special general meetings of the shareholders of the said company may be held at such places in the Village of Port Dover or *Port Rowan,* and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said company.

Votes.

15. Every shareholder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting.

Qualification of directors.

16. No person shall be qualified to be elected as such Director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon.

Quorum of directors.

17. Any meeting of the Directors of the said Company regularly summoned, at which not less than five Directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said Directors.

Aid from municipalities

18. It shall be lawful for any *Township or Village* municipality, or any portion of any such *Township* municipality, which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of said company shall pass or be situated, to aid and assist the said company by loaning or guaranteeing, or giving money by way of bonus or other means, to the company, or issuing municipal bonds to or in aid of the company and otherwise, in such manner and to such extent as such municipalities or any of them, shall think expedient; Provided always, that no such aid, loan, bonus or guarantee shall be given, except after the passing of by-laws for the purpose, and the adoption of such by-laws by the rate-payers, as provided in the municipal act for the creation of debts.

Proviso.

Provision where a portion of a municipality petition.

19. In case *fifty persons at least* rated on the last assessment roll as freeholders, who may be qualified voters under the municipal act, in any portion of a *township* municipality, do petition the council of such municipality to pass a by-law as hereinafter set out, such petition to define the metes and bounds of the section of the municipality within which the property of the petitioners is situated, the council of such municipality shall pass a by-law, and submit the said by-law to the vote of the qualified rate-payers;

(1) For raising the amount so petitioned for by such freeholders, in such portion of the municipality, by the issue of debentures of the municipality, payable in twenty years, or by equal annual instalments of principal with interest, and for the delivery to the trustees, hereinafter mentioned, of the debentures for the amount of said bonus at the times and on the terms specified in said petition;

(2) For assessing and levying upon all the ratable property lying within the section defined by said petition an equal annual special rate, sufficient to include a sinking fund, for the repayment of the debentures with interest thereon, said interest to be payable yearly or half-yearly; which debentures the municipal councils and the reeves, and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

If by-law carried, the council to pass the same;

20. In case such by-law be approved or carried by the majority of the votes given thereon, then within one month after the date of such voting, the said council shall read the said by-law a third time and pass the same.

and issue debentures.

21. Within one month after the passing of such by-law, the said council and the reeve, or other head thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act.

Rate to be levied on part of municipality.

22. In case any bonus be so granted by a portion of a *township* municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of *such* municipality.

Municipal Act to apply to the by-laws.

23. The provisions of the "Municipal Act," so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a *township* municipality, to the same extent as if the same had been passed by or for the whole municipality.

By-laws to be valid though rate exceeds two cents in the dollar.

24. All by-laws to be submitted to such vote for granting bonuses to the said company, not requiring the levying of a greater annual rate than three cents in the dollar of the ratable property affected thereby, shall be valid, although the amount of the annual rate to be levied in pursuance thereof, shall exceed two cents in the dollar.

Exemption.

25. It shall further be lawful for the corporation of any municipality, through any part of which the railway of the said company passes or is situate, by by-law expressly passed for that purpose, to exempt the said company and its property, within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years.

Appointment of Directors by municipalities.

26. When any municipality shall grant a bonus of not less than *five thousand* dollars in aid of the said company, the Council of such municipality shall be entitled, to name a director in the said company as the representative of such municipality; and such director shall be, in addition to all shareholders' directors in the said company, and shall not require to be a shareholder in the said company, and shall continue in office as director in the said company until his successor shall be appointed by the municipality which he represents.

Trustees for debentures.

☞**27.** Whenever a municipality or portion of a township municipality shall grant aid by way of bonus or gift to the said Company, the debentures thereof shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees, to be named—one by the Lieutenant-Governor in Council, one by the said Company, and one by the majority of the councils of the municipality which have granted bonuses; all of the trustees to be residents of the Province of Ontario; Provided if the municipal council interested shall refuse or neglect to name a trustee within four weeks after notice in writing to them of the appointment by the Company, then the Company shall be at liberty to name such trustee; in the event of the death, resignation, or inability or refusal to act, of any trustee, the party who originally appointed such trustee so dying, resigning, or becoming incapable or unwilling to act, may appoint a successor; and in the event of such party failing for two weeks after notice in writing to make such appointment, the Company may appoint such trustee. ☜

Proviso.

Vacancies in the office of Trustee.

28. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council with the consent of the said company; and in case any trustee dies, or resigns his trust, or goes to live out of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council with the consent of said company.

Act of two trustees to be binding.

29. The act of any two such trustees shall be as valid and binding as if the three had agreed.

Trusts of debentures.

30. The said trustees shall receive the said debentures in trust; firstly, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some one or more of the chartered banks of the Dominion, in the name of the *Port Rowan and Lake Shore* Railway Company Municipal Trust Account, and to pay the same unto the Company from time to time on the certificate of the chief engineer of the said Company, in the form set out in schedule B hereto, or to the like effect, setting out how the money is to be applied, and that the sum so certified for is in pursuance of the terms and conditions (if such there be) of the by-law, and such certificate is to be attached to the cheque drawn by the said trustees.

Counties in which townships grant bonuses may take township debentures in exchange for county debentures.

31. Any county corporation in which county is or are situated a township or townships, or a portion of a township, that shall grant a bonus or bonuses, in aid of the said company, shall be at liberty to take the debentures issued by such township or townships, or portion of a township, and in exchange therefor to hand over to the trustees under this Act, the debentures of the county on a resolution being passed to that effect by a majority of the county council.

Issue of bonds.

32. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the President or Vice-President of the said company, and countersigned by the Secretary and Treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the *real* property of the company, *including its rolling stock and equipments* then existing and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the company aforesaid: Provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of seventy-five thousand dollars, nor shall the amount of such bonds issued at any one time be in excess of the amount of municipal and other bonuses and paid up share capital actually expended in surveys, purchase of right of way and works of construction and equipment upon the line of the said railway, or material actually purchased, paid for and delivered to the company within the Provinces of

Proviso.

Ontario and Quebec: and Provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, and privileges, and qualifications for directors and for voting as are attached to shareholders: Provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof. Proviso. Proviso.

33. All such bonds, debentures, mortgages, and other securities and coupons, and interest warrants thereon respectively may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer may sue thereon in his own name. Bonds, etc., may be made payable to bearer.

34. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than one hundred dollars, and any such promissory note made or endorsed by the President or Vice-President of the company and countersigned by the Secretary and Treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, or shall the President or Vice-President, or the Secretary and Treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank. Company may make promissory notes, etc. Proviso.

35. Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, or enjoy such lands and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or part thereof from time to time as they may deem expedient, *but the compulsory clauses of the Railway Act shall not apply to this section.* Powers as to lands.

36. The railway shall be commenced within one year and completed within two years after the passing of this Act, or else the charter shall be forfeited. Commencement and completion of railway.

☞**37.** The company incorporated by this Act may enter into any arrangement with any other railway company or companies which is or are lawfully empowered to enter into such Arrangements with other companies.

an agreement for the leasing or working of the said railway on such terms and conditions as the directors of the several companies may agree upon, or for leasing or hiring from such other company or companies any portion of their railway, or the use thereof, for leasing or hiring any locomotives or other rolling stock or movable property from such companies or persons, and generally to make any agreement or agreements with any other companies touching the use by one or the other, or by both companies, of the railway or rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the contract terms thereof; Provided, that the assent of at least two-thirds of the shareholders shall be first obtained at a general special meeting to be called for the purpose according to the by-laws of the company, and the provisions of this Act; and the company or companies leasing or entering into such agreement for using the said railway, may, and are hereby authorized to work the said railway, and in the same manner as if incorporated with its own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province. ☜

Proviso.

Carriage of cordwood.

38. The said railway company shall at all times receive and carry cordwood or any wood or fuel, at a rate not to exceed for dry wood three cents per mile per cord from all stations in full car loads, and for green wood at the rate of three cents per ton per mile. The company shall further at all times furnish every facility necessary for the free and unrestrained traffic in cordwood and fuel, to as large an extent as in the case of other freight carried over the said railway: Provided always that the owner, consignor or consignee of the said wood or fuel, shall load and unload the same on and off the cars of the said company, or cause the same to be done at the expense of the said owner, consignor, or consignee, and in case any car is detained for more than twenty-four hours after its arrival at its destination, without being unloaded by the owner, or consignee, then it shall and may be lawful for the said company to charge demurrage.

Proviso.

☜ SCHEDULE "A."

(Section 4.)

Know all men by these presents, that I (*or* we) [*insert the name or names of the vendors*] in consideration of dollars paid to me (*or* us) by the Port Rowan and Lake Shore Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (*or* we) [*insert name of any other party or parties*] in consideration of paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or* those certain parcels, *as the case may be*) of land (*describe the land*), the same having been selected and laid out by the said company for the purposes of this railway, to hold with the appurtenances unto the said Port

Rowan and Lake Shore Railway Company, their successors and assigns, (*here insert any other clauses, conditions and covenants required*) and I (*or* we) wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands, in witness my (*or* our) hand and seal (*or* hands and seals) this day of one thousand eight hundred and seventy

Signed, sealed and delivered in presence of } (L.S.)

SCHEDULE "B."

(*Section 30.*)

Chief Engineer's Certificate.

The Port Rowan and Lake Shore Railway Company's Office, Engineer's Department, No. , A.D., 188 .

Certificate to be attached to cheques drawn on the Port Rowan and Lake Shore Railway Company Municipal Trust Account, given under section chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, A. B., Chief Engineer for the Port Rowan and Lake Shore Railway Company, do certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the Township of (*or* under the agreement dated the day of between the Corporation of and the said company) to entitle the said company to receive from the said trust the sum of (*here set out the terms and conditions, if any, which have been fulfilled*). ☜

No. 12.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to incorporate the Port Rowan and Lake Shore Railway Company.

(Reprinted as Amended.)

1st Reading, 16th January, 1880.

(PRIVATE BILL).

Mr. MORGAN.

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET.

No. 14.] **BILL.** [1880.

An Act respecting the Prince Edward County Railway Company.

Preamble.

WHEREAS the Prince Edward County Railway Company have petitioned that an Act may be passed amending the Act of Incorporation of the said Company, passed in the thirty-sixth year of Her Majesty's reign, chaptered seventy-three, and the Act passed in the forty-first year of Her Majesty's reign, chaptered fifty-two, by authorizing the said Company by by-law to reduce the number of their Directors, and to fix the place of holding the annual and other meetings of the Company; and whereas it is expedient to grant the prayer of the said petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to determine number of Directors by by-law.

1. It shall and may be lawful for the said Prince Edward County Railway Company from time to time to pass by-laws fixing the number of Directors of the said Company, but so that the number shall not be less than three nor greater than seven.

Power to alter place of annual meeting.

2. The said Company may pass by-laws from time to time, fixing or altering or changing the place for holding the annual and other meetings of the said Company, instead of the same being held at the Town of Picton, as provided by the said Act of Incorporation: Provided that the said by-laws shall only take effect after the same shall have been approved of by a majority of the shareholders of the said Company, present at an annual meeting of the Company, or at a meeting called for the purpose of approving of the same.

By-laws subject to approval of shareholders.

No. 14.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting the Prince Edward County Railway Company.

1st Reading, 1880.

(*PRIVATE BILL.*)

Mr. STRIKER.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 15.] BILL. [1880.

An Act to confirm a certain By-law of the Town of Owen Sound.

Preamble.

WHEREAS the Council of the Corporation of the Town of Owen Sound have, by their petition, shewn that by their by-law intituled, "By-law No. 275, to authorize Stephen Johnson Parker and Richard Notter to construct Waterworks for the Town of Owen Sound," they have authorized the said Parker and Notter to construct the Waterworks authorized by the Act of the Legislature of Ontario, passed in the forty-first year of Her Majesty's reign, chaptered twenty-eight, subject to and according to the terms and conditions contained in said by-law: that by said by-law the said Corporation bound themselves to take at least twenty hydrants for fire purposes for the period of ten years from the final passing of the said by-law, and to pay therefor to said Parker and Notter at the rates therein provided: that the said by-law was duly submitted to and received the approval of the municipal electors of the said Town: that only a part of the said Town can be served by said proposed hydrants, and the said Council have prayed that they may be authorized to impose a local rate for the maintenance of hydrants, and that the said by-law be confirmed, and it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Hydrants may be maintained by special rate or otherwise.

1. The Council of the Corporation of the Town of Owen Sound may yearly pass a by-law for raising such sum or sums as may be necessary for maintaining hydrants in the said Town, by means of a special rate on the ratable property therein, which, in the opinion of the Council of the said Town for the year, may be immediately benefited by said hydrants: but the Council may yearly charge the general corporate funds with the whole or part of the cost of maintaining hydrants.

By-law confirmed.

2. The said by-law No. 275, passed by the Corporation of the Town of Owen Sound is hereby confirmed, and declared legal and valid to all intents and purposes whatsoever.

No. 15.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to confirm a certain By-law of the Town of Owen Sound.

1st Reading, , 1880.

(PRIVATE BILL.)

Mr. CREIGHTON.

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET.

No. 15.] BILL. [1880.

An Act to confirm a certain By-law of the Town of Owen Sound.

WHEREAS the Council of the Corporation of the Town of Owen Sound have, by their petition, shewn that by their by-law intituled, "By-law No. 275, to authorize Stephen Johnson Parker and Richard Notter to construct Waterworks for the Town of Owen Sound," they have authorized the said Parker and Notter to construct the Waterworks authorized by the Act of the Legislature of Ontario, passed in the forty-first year of Her Majesty's reign, chaptered twenty-eight, subject to and according to the terms and conditions contained in said by-law: that by said by-law the said Corporation bound themselves to take at least twenty hydrants for fire purposes for the period of ten years from the final passing of the said by-law, and to pay therefor to said Parker and Notter at the rates therein provided: that the said by-law was duly submitted to and received the approval of the municipal electors of the said Town: that only a part of the said Town can be served by said proposed hydrants, and the said Council have prayed that they may be authorized to impose a local rate for the maintenance of hydrants, and that the said by-law be confirmed, and it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Council of the Corporation of the Town of Owen Sound may yearly pass a by-law for raising such sum or sums as may be necessary for maintaining hydrants in the said Town, by means of a special rate on the ratable property therein, which, in the opinion of the Council of the said Town for the year, may be immediately benefited by said hydrants. Hydrants may be maintained by special rate.

2. The said by-law No. 275, passed by the Corporation of the Town of Owen Sound is hereby confirmed, and declared legal and valid to all intents and purposes whatsoever. By-law confirmed.

No. 15.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to confirm a certain By-Law of the Town of Owen Sound.

(Reprinted as Amended.)

1st Reading, 21st January, 1880.

(PRIVATE BILL.)

Mr. CREIGHTON.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 16.] **BILL.** [1880.

An Act to amend the Acts incorporating the North Simcoe Railway Company.

Preamble.

WHEREAS the directors of the North Simcoe Railway Company, under the sanction of the shareholders first obtained at a special general meeting held for that purpose, issued first mortgage bonds to the amount of two hundred thousand dollars, and second mortgage bonds to the amount of one hundred and thirty-three thousand, three hundred and thirty-three dollars, and executed two certain mortgages hereinafter mentioned, to secure the payment of said bonds respectively: and whereas the said North Simcoe Railway Company have by indenture of lease and agreement, dated the fourteenth of January, one thousand eight hundred and seventy-eight, leased their said line to the Northern Railway Company of Canada; and whereas the said North Simcoe Railway Company have by their petition prayed that the said respective issues of said bonds, the said respective mortgages and the said indenture of lease and agreement may be confirmed, and have further prayed for certain amendments of their charter: and whereas it is expedient to grant the prayer of said petition:

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Lease of railway confirmed.

1. The indenture of lease and agreement dated the fourteenth day of January, one thousand eight hundred and seventy-eight, made between the North Simcoe Railway Company and the Northern Railway *Company* of Canada, set forth in the schedule hereinafter contained is hereby confirmed.

37 Vic., c. 54, s. 46, repealed.

2. The forty-sixth section of the Act, chaptered fifty-four, passed in the thirty-seventh year of Her Majesty's reign, is hereby repealed.

Certain bonds and mortgages confirmed.

3. The said issue of first mortgage bonds to the extent of two hundred thousand dollars is hereby confirmed, and the indenture of mortgage bearing date the first day of October, one thousand eight hundred and seventy-eight, made between the North Simcoe Railway Company of the first part, and John *L.* Blaikie, George D'Arcy Boulton, and William Hendrie, of the second part, set forth in the schedule hereinafter contained, securing the payment of the said issue of first mortgage bonds which are therein mentioned, is hereby confirmed; and the said issue of second mortgage bonds to the amount of one hundred and thirty-three thousand, three hundred and thirty three dollars is hereby confirmed; and the indenture of mortgage bearing date the second day of October, one thousand eight hundred and

seventy-eight, made between the said North Simcoe Railway Company of the first part, and the said John L. Blaikie, George D'Arcy Boulton, and William Hendrie, of the second part, set forth in the schedule hereinafter contained, and securing the payment of said issue of second mortgage bonds therein mentioned, is hereby confirmed, and the said first mortgage bonds as described in the said mortgage bearing date the first day of October, one thousand eight hundred and seventy-eight, shall without registration or formal conveyance be taken and considered to be, and shall be, first and preferential claims and charges upon the said undertaking, and the property of the company, real and personal, then existing, or at any time thereafter *or hereafter to be* acquired, and upon the rent reserved under the said indenture of lease and agreement bearing date the fourteenth day of January, one thousand eight hundred and seventy-eight, and upon all benefits and advantages to be derived by the North Simcoe Railway Company, their successors or assigns, under said last mentioned indenture, and upon any increased rental, (if such rental be increased) as contemplated by said mortgage bearing date the first day of October, one thousand eight hundred and seventy-eight, and upon all the property, rights, matters and things described or embraced in said mortgage bearing date the first day of October, one thousand eight hundred and seventy-eight, subject always to said lease and agreement bearing date the fourteenth day of January, one thousand eight hundred and seventy-eight; and each holder of the said first mortgage bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata* with all the other holders thereof upon the undertaking and the property of the company, rental, (increased rental if any), benefits and advantages, and other the premises described and embraced in said mortgage as aforesaid *or intended so to be;* and provided also further, that in the event at any time of the interest upon the said first mortgage bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of said first mortgage bonds shall have and possess the same rights, and privileges, and qualifications for directors, and for voting, as are attached to shareholders, *pro rata according to amount:* provided that the said first mortgage bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same, on being required to do so by any holder thereof: and the said second mortgage bonds, as described in said mortgage bearing date the second day of October, one thousand eight hundred and seventy-eight, subject only to such first mortgage bonds *and* mortgage given to secure the same, shall without registration or formal conveyance be taken and considered to be, and shall be second and preferential claims and charges upon the said undertaking, and the property of the company, real and personal, then existing or at any time thereafter *or hereafter* acquired, and upon the rent reserved under the said indenture of lease and agreement, bearing date the fourteenth day of January, one thousand eight hundred and seventy-eight, and upon all benefits and advantages to be derived under said last mentioned indenture by the said North Simcoe Railway Company, its successors or assigns, and upon all the property, rights, matters and things described or embraced in said mortgage bearing date the second day of October, one thousand

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eight hundred and seventy-eight; and each holder of the said second mortgage bonds shall be deemed to be a mortgagee and encumbrancer, *pro rata*, with all the other holders thereof, upon the undertaking, and the property of the company, rental, benefits and advantages, and other the premises described or embraced in said mortgage bearing date the second day of October, one thousand eight hundred and seventy-eight, as aforesaid, subject always to said lease and agreement bearing date the fourteenth day of January, one thousand eight hundred and seventy-eight, and to the said, the first mortgage bonds, and the said mortgage bearing date the first day of October, one thousand eight hundred and seventy-eight.

Provision for increased issue of first mortgage bonds.

4. It shall be lawful for the North Simcoe Railway Company, with the consent of *all* the holders of the said first and second mortgage bonds, to enter into an agreement with the Northern Railway Company of Canada to increase the issue of the said first mortgage bonds to such a sum as may be mutually agreed on, but not to exceed in the whole ten thousand dollars per mile for each mile of the said Company's railway, and such agreement shall provide for the payment of the interest agreed on upon the whole amount of the issue so agreed on, and in the event of such agreement for an increased issue being made as aforesaid the said second mortgage bonds shall be surrendered to the said North Simcoe Railway Company and shall be cancelled, and the said second Mortgage, bearing date the second day of October, one thousand eight hundred and seventy-eight, shall become utterly void, and it shall be lawful for the directors of the said North Simcoe Railway Company to pass a by-law calling in the existing issue of first mortgage bonds, and further providing that on the same being surrendered to the said Company a new issue of first mortgage bonds shall be made for such amount, and in such sums in Sterling or Currency, and payable at such place or places in England or in Canada, at such days, and times, and in such way and manner as may be provided in said agreement, and the said North Simcoe Railway Company shall have no power to borrow any money or issue any bonds in excess of the amount so agreed on. The agreement by this clause authorized may be made either by way of an addition to the terms of said Indenture bearing date the fourteenth day of January, one thousand eight hundred and seventy-eight, or in such other manner as the Companies may lawfully agree upon, and the said Bonds, for the increased amount, if issued, shall, without registration or formal conveyance, be taken and considered to be, and shall be first and preferential claims and charges upon the said undertaking, and the property of the Company, and all other matters and things mentioned in the third section hereof in the way and manner, and to the extent in said section set forth, and each holder thereof shall be entitled to all the rights thereby vested in holders of first mortgage bonds therein referred to, save only to the extent (if any) the same may be varied by the agreement authorized to be entered into by the terms of this section.

Agreement for amalgamation or sale authorized.

5. It shall be lawful for the North Simcoe Railway Company to enter into an agreement with the Northern Railway Company of Canada for amalgamation with the Northern

Railway Company of Canada or for the sale of the North Simcoe Railway Company to the Northern Railway Company of Canada, upon such terms and conditions as to the Directors of the said *North Simcoe Railway* Company shall seem fit, ☞but subject always to the lien and charge of the bonds confirmed by or lawfully issued under this Act and to the consent thereto of all the holders of said bonds,☜ and all such agreements shall be valid and binding, according to the terms and tenor thereof: ☞Provided that nothing herein contained shall be held to confer any authority upon the said Northern Railway Company of Canada to make or enter into such agreement.☜

Proviso.

Agreements subject to ratification by shareholders.

6. No agreement authorized by the two next preceding sections, or either of them, shall be valid or take effect until it shall have been submitted to and received the approval of two thirds of the stock holders of the North Simcoe Railway *Company*, voting in person or by proxy ☞at a meeting to be specially called for that purpose, and such approval by said two-thirds majority shall only require to be proved in the event of a poll being demanded at such meeting, and if such poll be not demanded then a declaration by the chairman that the resolution of approval by said two-thirds majority has been carried and an entry to that effect in the book of proceedings of the company shall be sufficient evidence of such approval without other proof of the number or proportion of votes given in favour of or against the same.☜

SCHEDULE REFERRED TO IN THE FOREGOING ACT.

1.—LEASE.

North Simcoe Railway Company to the Northern Railway Company of Canada.

This Indenture, made this fourteenth day of January in the year of our Lord one thousand eight hundred and seventy-eight, between the North Simcoe Railway Company, hereinafter called the lessors of the first part, and the Northern Railway Company of Canada, hereinafter called the lessees of the second part.

1. Whereas the North Simcoe Railway Company are authorized to construct a railway from the village of Penetanguishene to some point of junction with the Northern Railway of Canada at some point between Barrie and Angus;

2. And whereas some progress has been made in the construction of said railway;

3. And whereas the said lessors are authorized, among other things, by their charter, to enter into an agreement to lease unto the lessees their said railway, and such agreement is thereby declared to be valid and binding, and enforcible by courts of law and equity, according to the terms and tenor thereof;

4. And whereas it is the mutual interest of the said lessors and lessees to secure connections between the line of the said lessees and the projected line of the said lessors; And whereas to accelerate the construction and completion of the said pro-

jected line, and secure thereafter the efficient and profitable working thereof, the said lessees have agreed to enter into an agreement with the said lessors to lease and work their said road when completed, for twenty years, upon the terms and conditions hereinafter mentioned ;

5. Witnesseth that the lessees and lessors, each for themselves, their successors and assigns respectively, covenant and agree with the other in manner following, that is to say :

6. The said lessors will forthwith by all reasonable means and resources within their power and control, build and complete their said line of railway from the village of Penetanguishene to a point of junction with the railway of the lessees, at or near Harrison's Crossings, including all station buildings, platforms, signals, switches, sidings, and other appurtenances necessary for the proper and efficient working of the trains and traffic, and all sufficient terminal and wharfage accommodation at Penetanguishene, to the extent, in the manner, and of the description set forth and described in a schedule and specification signed by the respective chief engineers of the lessors and lessees ; and the said lessors will construct, complete and finish the said line of railway in a manner fit and proper to be worked by the lessees, and subject to the approval of the general manager of the said lessees for the time being, regard being had to the requirements of the schedule and specifications, and in the event of difference as to the standard of any of the above works, the same shall be referred to the chief engineer of the Government of Ontario for the time being.

7. The said lessors agree to lease to the said lessees the whole of the said railway from the said point of junction with the Northern Railway to the terminus thereof, on the waters of the village and harbour of Penetanguishene, and to place the said lessees in possession thereof when completed, and opened and approved as aforesaid, for the period of twenty years, to commence and take effect when the same is so completed and opened and approved as aforesaid for traffic,

8. Yielding and paying therefor half-yearly to the said lessors during the said term, such sum or sums per annum as shall be equivalent to three hundred and sixty dollars per mile of main track, exclusive of sidings, calculated from the passenger terminus at Penetanguishene to the point of junction with the line of railway of the lessees. That in the event of thirty per cent. of the gross receipts of the said road not realizing in any year during the said term a sum equal to the said sum of three hundred and sixty dollars per mile per annum, then the deficiency shall be advanced by the said lessees, and the said lessees shall be entitled to retain such advances from time to time out of any surplus moneys thereafter coming to the said lessors hereunder, with interest thereon at the rate of six per cent. per annum until paid.

9. That in the event of such thirty per cent. of the gross receipts realizing at any time more than such three hundred and sixty dollars per mile then such increase shall be payable to the said lessors ; but in the event, and whenever, and so long as the gross receipts of the line of the lessors shall realize or exceed a sum equivalent to sixteen hundred dollars per mile per annum then the lessees shall pay to the lessors a rental equivalent to thirty-five per cent. of such gross receipts. That if, at the expiration or other determination of this lease, any moneys whatever, whether for advances or otherwise,

shall be due and unpaid by the lessors to the leesees, it shall be lawful for the lessees to retain possession of and work the said road until payment, or in the event of a renewal of this lease, then the terms of payment shall thereby be provided for and agreed upon.

10. The said lessors will indemnify and hold harmless the said lessees in regard to any claims connected with and arising out of the original construction of their line of railway, and of any act or default of the said lessors in relation thereto, and in the event of the said lessees being called upon to pay and discharge any such claims in the settlement of right of way, severance, damage, flooding, road or farm crossings, or other demand, then all payments made by the lessees in respect thereof, shall be charged against the lessors, and the lessees shall be entitled to retain the amount so paid and advanced, out of any surplus moneys thereafter coming to the said lessors hereunder; and until such advances shall be repaid the said lessees shall be entitled to charge the said lessors, with interest thereupon at the rate of six per cent. per annum.

11. The said lessees having disbursed the sum of twenty-five hundred dollars in aid of the surveys, location and other preliminary services and expenses for and on account of the said lessors, it is hereby agreed that upon the completion of the said line, and only in that event, such advances be repaid to the said lessees, and until such advances shall be repaid, the said lessees shall be entitled to charge the said lessors with interest thereupon, at the rate of six per cent. per annum, or in the event of a renewal of this lease, then the terms of payment shall thereby be provided for and agreed upon.

12. In the event of the lessors failing to construct and complete the said line of railway within three years from the date hereof, then this lease shall become void and of no effect; provided however, that any claim which the lessees may have against the lessors for moneys advanced shall be paid by and recoverable from the lessors.

13. The lessors agree not to make any demand upon the Corporation of the Township of Flos for the transfer of the debentures or the proceeds thereof, in payment of bonus, without the previous assent of the lessees in writing.

14. That no issue of the debentures or bonds upon the security of the said railway shall, unless with the consent of the said lessees, exceed in the whole a sum equivalent to six thousand dollars per mile of main line, exclusive of sidings.

15. In the event of the gross receipts being insufficient in any one year to pay the interest upon the said mortgage bonds, at the said rate of six thousand dollars per mile, the deficiency shall be advanced and paid by the said lessees, who shall be entitled to retain the amount so advanced out of any surplus moneys thereafter coming to the said lessors hereunder, and until such advances shall be repaid, the said lessees shall be entitled to charge the said lessors with interest thereupon, at the rate of six per cent. per annum.

16. In the event of the said lessees failing, for the period of one year from the date of payment herein provided, to pay to the said lessors the said rental of three hundred and sixty dollars per mile, or the proportion of per centage of gross earnings as in the nature of rental herein provided, or of being in arrear for one year in the payment of the said rental, the said lessors shall have the right to treat this lease as at an end, and

may thereupon re-enter and resume possession and control of the said railway.

17. The said lessees agree to pay rent and taxes, and to maintain the said line of railway of the lessors, from the time of completion and transfer of possession thereof, during the whole of the said term in good order, and to deliver the same at the expiration of the said term to the said lessors in as good a plight and condition as the same shall be received by the said lessees at the commencement of the said term, reasonable wear and tear thereof excepted.

18. In the event of the said lessees constructing any new or additional works or improvements of a permanent character, or reconstructing the then existing works of the said road, upon a higher or more permanent standard than required by the original specifications, the said lessees shall be entitled, provided that the specifications for the same shall have been first approved, and the additional works sanctioned by the Board of Directors of the lessors, to charge the additional or extra amount so expended, as an advance of additional capital to the said lessors, which amount shall be ascertained at the close of each year, and thereafter the same shall bear interest at the rate of six per cent., and may be retained by the said lessees out of any moneys coming to the said lessors under this lease, after the payment of the interest upon the said mortgage bonds, and at the expiration or other sooner determination of this lease, shall be repaid to the said lessees who shall be entitled, until payment thereof, to retain possession of and work the said road, or, in the event of a renewal of this lease, then the terms of payment shall thereby be provided for and agreed upon.

19. In the event of the lessees requesting the sanction of the lessors to any new or additional works or improvements, upon the ground that the same are essential to the proper and more profitable working of the traffic of the line of the lessors; and shall prepare and present specifications and estimates for the same, and the lessors shall thereupon refuse or neglect to sanction the same, it shall be lawful for the lessees to appoint one indifferent person, who together with another to be appointed by the lessors, *and* together with a third to be chosen by them, shall decide whether the proposed works are essential to the proper and more profitable working of the traffic of the said lines; and whether the same, if constructed by the lessees, shall be chargeable against the lessors in manner hereinbefore mentioned.

20. The said lessees agree to provide a sufficient number of engines and cars for the use of the lessors for laying and ballasting the track, and such other engines and cars as may be required in the construction of the said line at a fair rental.

21. The said lessees do hereby agree and become bound to provide the necessary locomotive engines, cars, and other rolling equipment requisite for the proper and efficient working of the said railway so soon as the same shall have been completed, as before specified, and shall, during the continuance of this lease, daily work the said railway, and efficiently keep in order and maintain the same, and shall also keep open and maintain stations at such places as have been prescribed by the by-laws granting bonuses to the said lessors.

22. The said lessees shall have, during the continuance of this lease, entire control and management of the said railway hereby leased, as well in regard to the regulating and settling

from time to time the amount and rate of tolls, fares, freight and other charges to be paid, collected and taken thereon, and the mode of collecting and receiving the same; and also all other matters and things in any way touching or incident to the using, operating and working of the said railway, and the development of its traffic; and all the powers conferred to the said lessors by their act of incorporation, so far as the same can be transferred, or are applicable, are hereby assigned and transferred to the said lessees, and shall relate and extend to the working of the said railway during the term hereby granted; but the tariff for freight and passengers on the said railway of the lessors shall be relatively the same as that in operation from time to time over the railway of the lessees; the rates, nevertheless, from Penetanguishene to Toronto shall not exceed those between Collingwood and Toronto.

23. The directors and the chief officers of the lessors shall have free passes over the line of railway of the lessees until the lessees shall accept and enter upon the possession of the railway of the lessors, under the provisions of this lease.

24. The said lessees shall make and keep separate and accurate accounts, to be made out at the end of each half year, ending on the thirty-first day of December, and on the thirtieth day of June, and on the first days of the months of March and September in each year, and at such other convenient dates as may be mutually agreed upon by the parties hereto; the said lessors and lessees shall severally appoint an auditor to examine the same, who shall, if they deem it necessary, have free access to and liberty to investigate, inspect and take copies of the books and vouchers of the said lessees, at any station or office on either line so far as they relate to the traffic in this lease referred to, and in the event of any difference in the adjustments of such half-yearly accounts between the said two auditors, they shall appoint some third person as referee between them, and the decision of such referee shall be binding upon all parties, and in computing the earnings upon such traffic as may be common to both railways, the rate charged therefor shall be credited to each railway in proportion to the respective mileage of each railway over which the said rate may have been charged.

25. And it is also agreed between the parties hereto, that in case any dispute arises between them as to any of the matters or things in this indenture contained, the same shall be referred to the award or arbitrament of two disinterested persons, one of whom shall be appointed by each of the said parties, who shall jointly choose a third disinterested person to act as arbitrator, and the decision of such arbitrators shall be final and binding; and in case either of the said parties refuse or neglect to appoint an arbitrator within twenty days after notice in writing for that purpose may have been given to either of them, then the decision of the arbitrator of the party giving notice, shall be binding on both parties; and it is hereby agreed that in all cases hereinbefore provided for arbitration, the award of the arbitrators or the majority shall be binding.

As witness the seals of the said corporations the day and year first above written.

(Signed,) J. SAURIN McMURRAY,
President N. S. R. Co. { Seal N.S.R. Co. }

(Signed,) T. RICHARD FULLER,
Secretary-Treasurer N. S. Railway.

(Signed,) WILLIAM THOMPSON,
President.

(Signed,) WALTER TOWNSEND,
Secretary.

Seal N.R. of Canada

2.—MORTGAGE TO SECURE FIRST MORTGAGE BONDS.

This indenture made the first day of October, one thousand eight hundred and seventy-eight, between the North Simcoe Railway Company, hereinafter called the "North Simcoe," of the first part, and John L. Blaikie, of Toronto, broker; George D'Arcy Boulton, of Toronto, barrister, and William Hendrie, of Hamilton, contractor, hereinafter called the trustees of the second part.

Whereas the North Simcoe have by indenture dated the fourteenth day of January, in the year of our Lord one thousand eight hundred and seventy-eight, leased their line to the Northern Railway Company of Canada, and one of the terms of said lease is that bonds of the North Simcoe shall not be issued without the consent of the Northern Railway Company, to a greater extent than six thousand dollars per mile;

And whereas the North Simcoe have decided in exercise of their statutory powers to issue bonds to the extent of six thousand dollars per mile, for each mile of the North Simcoe Company's Railway, such bonds to be the first charge under their statutory powers, on all the property of said company, and upon the rental, or moneys to become payable under the said lease;

Provided always that such issue may be increased with the consent of the Northern Railway Company of Canada, under the provisions of said lease, to a sum not to exceed in all ten thousand dollars per mile, and in that event the said Northern Railway Company agreeing to pay and provide for the interest on the entire issue, according to the terms of said lease;

And whereas it has been agreed that these presents should be executed for the purpose of the better and more fully securing the payment of the said bonds so to be issued, and charging the payment thereof as a first charge upon all the property of the said company, and upon the said rental, or moneys to become payable under said lease;

And whereas it has been agreed that the said bonds so to be now issued, shall be negotiable bonds, to be numbered consecutively, and for the sum of two hundred thousand dollars, being at the rate of six thousand dollars per mile of railway, as aforesaid, the principal money of said bonds to fall due on the first day of October, one thousand eight hundred and ninety-eight, with interest payable half yearly in the meantime, at the rate of six per cent. per annum, payable half yearly, on the first day of April, and first day of October in each year, as hereinafter more particularly provided, and the said John L. Blaikie, George D'Arcy Boulton, and William Hendrie, have consented to act as trustees, to whom these presents shall be made; all of which bonds are to be on an equality so far as regards the security therefor created by the said statutory powers, and these presents, and are to be made transferable by delivery, as if the same were notes of hand payable to bearer; and shall be pay-

able in sums of one thousand dollars of lawful money of Canada, each on the first day of October, in the year of our Lord one thousand eight hundred and ninety-eight, and have interest coupons at the rate of six per cent. per annum attached, payable half yearly ;

The principal and interest of said Bonds to be payable at the Bank of Montreal, in Toronto, in lawful money of Canada. The said Bonds shall be numbered consecutively from one to two hundred, both inclusive, and shall be signed by the President, or Vice-President and Secretary of the said Company, and have a printed certificate on the back thereof, to be signed by the said Trustees, or by the survivor or survivors, of them or by their successor or successors, as mortgagees in trust, or any two of them certifying in substance that such Bond is one of the Bonds included in, and intended to be secured by this mortgage, and none of the Bonds are to be valid until such printed certificate thereon is so signed.

And Whereas the time from which the rental is payable under said lease is dependent upon the date on which the Railroad of the North Simcoe is completed, opened, and approved of for traffic as therein mentioned; it is therefore declared and agreed that notwithstanding anything herein contained that the said bonds shall only bear interest from the date from which the rental shall begin to run, and that if there shall be any issued less than half a year between the said date and that on which the next half year's coupon would otherwise fall due, such coupon shall be cut off, and the bondholder shall only receive interest for the broken period which shall elapse between the date from which rent shall begin to run, and the date on which the coupon for the then current half-year would otherwise mature.

Now, therefore, this indenture witnesseth that the said company, in order to carry out the design aforesaid, and further to secure the payment of the bonds of said company, now to be issued at the rate of six thousand dollars per mile, or the issue of ten thousand dollars per mile, if the same shall be made in manner and form as hereinbefore contemplated, and the interest on said bonds, and in consideration of the premises and of one dollar to the said company in hand paid by the Trustees, the receipt whereof is hereby acknowledged, hath granted, bargained, sold, remised, released, aliened, and confirmed, and by these presents doth grant, bargain, sell, remise, release, alien, and confirm unto the said Trustees; their successors in this trust and their heirs and assigns as joint tenants, and not as tenants in common, all that yearly rent charge or annual sum of three hundred and sixty dollars per mile, reserved in and by the said indenture of lease, together with the benefit of the provisions therein contained, that in the event of thirty per cent. of the gross receipts of the said road not realizing in any year during the said term a sum equal to the said sum of three hundred and sixty dollars per mile, per annum, then the deficiency shall be advanced by the lessees in said lease mentioned, upon the terms and conditions in the eighth section of the said lease mentioned, and all benefit that may accrue to the said lessee under the ninth section of the said lease, and all benefit and advantage of all and every the powers, covenants and remedies whatsoever reserved to or vested in the company, by or by virtue of the said recited indenture of lease, or otherwise howsoever, for recovering and receiving the same, to-

gether with all, and all manner of other rights, privileges, advantages, and appurtenances whatsoever to the said yearly rent or annual sum, belonging or in anywise appertaining, and all the estate, right, title, and interest, use, trust, property, possession, possibility, claim and demand, whatsoever, both at Law and in Equity, of the said company, in, to, out of, upon, or respecting the said yearly rent or annual sum, so payable to the said last mentioned company, and also the estate, right, title and interest of the company in the railway and undertaking, real and personal property, rights and franchises of the said company, subject to the aforesaid lease.

To have and to hold, receive, take, and enjoy, the said yearly rent, charge, or annual sum, hereditaments, powers, remedies and other, the premises hereinbefore granted, bargained and sold, or otherwise assured, or intended so to be, with their, and every of their rights, members, privileges, and appurtenances, unto the said Trustees, their heirs and assigns, but as joint tenants, and not as tenants in common, to and for the use and behoof of them, the said Trustees, their heirs and assigns, upon the trusts and conditions following, that is to say, to collect and receive the said rental or sum of three hundred and sixty dollars per mile, and therewith pay the interest, as the same falls due, provided further that if the said company shall make default in payment of the said coupons, or any of them, or the said bonds, or any of them, as the same become due according to the terms thereof, then the Trustees, or their successors in the trust hereby created for the time being, upon the written demand of the holder or holders of *any of* the said bonds, may proceed to enforce the trust by collecting the said rents so reserved, if any, over and above the said sum of three hundred and sixty dollars per mile, until out of the proceeds they shall have received enough to pay all sums whatever secured by these presents, and then due and payable, and no longer, and so often as any further or other default shall be made, it shall be lawful for the Trustees or their successors to proceed in like manner, and for the better enabling the said Trustees, their heirs and assigns, or the survivors of them, to receive the said rent and other moneys (if any shall become due) hereby assigned, the said company hath made, constituted and appointed, and by these presents doth make, constitute and appoint the said Trustees, the true, lawful, and proper attorneys of the said company; and in its name, but to and for the proper use and benefit of the said Trustees from time to time and at all times hereafter during the said term after such default, subject only to the proviso for redemption hereinafter contained, to ask, demand, sue for, recover and receive of and from the said The Northern Railway Company of Canada the said yearly rent and other the premises as and when the same shall arise or become payable, and upon non-payment thereof in the name and manner aforesaid or otherwise, as shall be necessary and proper, to commence and prosecute all such actions, suits and proceedings, and use, exercise and enforce all such powers, remedies, expedient, and legal, or equitable ways or means for compelling payment of, and recovering the same as the said company might, or could do, or had done, in case these presents had not been made.

And the said company doth hereby authorize and expressly direct the said Northern Railway Company of Canada and all and every other person or persons to whom it doth or shall be-

long to pay the said yearly rent or annual sum as and when the same shall arise and become payable and all other sums, if any, which may fall due under the said lease unto the said Trustees.

Provided always, and these presents are upon this express condition, that if the company shall well and truly pay or cause to be paid, all their said bonds to be issued as aforesaid, and the interest coupons thereto attached, upon presentment at maturity, then these presents shall cease and become utterly null and void, and the said real and personal property, rights, franchises of the North Simcoe Railway Company, and the said estates, rights and privileges herein granted and conveyed shall revert to and re-vest in the said company without any acknowledgement of satisfaction, release, quittance, reconveyance, re-entry, or other act or formality whatever.

And it is further provided that the said trustees, their successors or successor in said trust, shall only be accountable for reasonable diligence in the management thereof, and shall not be responsible for the acts of any agent employed by them when such agent is selected by them with fair discretion, and that said trustees, their successors or successor in said trust, shall be entitled to receive proper and reasonable compensation for all labours or duties performed in the discharge of said trust, in case they shall be compelled to take possession of said premises and collect the said rental or annual sum or any part thereof, or to enter upon the management of the same. And it is further provided by the parties hereto that in case of the death, mental incapacity or resignation of the said trustees, or either of them, or if they or either of them, shall cease to be residents of Ontario then the right, title or interest of the said trustee or trustees so dying, refusing, resigning, becoming incapable of acting, or removing, as aforesaid shall cease and determine and be divested, and the same right, title and interest for the purpose of this mortgage and for the carrying into effect the purposes of this trust herein created be vested in, revert to, and all and singular the trusts and duties herein imposed upon the said trustees, shall devolve upon some person or persons as shall be agreed upon by a majority of the bondholders and the company, or upon their failure or neglect within thirty days after any vacancy, to agree upon any suitable person or persons, then, upon such person or persons as may be appointed by the Judge of the County Court of the County of York, for the time being, upon the application of one-fourth of the then holders of the bonds, they giving to the company thirty days' notice of the pending of such application, and making such application within sixty days from the ocurrence of any vacancy, or upon the application of the company, after the expiring of said sixty days, to the said Judge, upon such person or persons as he may appoint, said company giving thirty days' notice of the pending of such application by the publication in a newspaper of general circulation in the city of Toronto, and the trustee or trustees so appointed shall become vested for the purposes aforesaid with all the real and personal property, franchises, right, title and interest herein conveyed to or vested in the said trustees subject to all the conditions and restrictions herein expressed without any further assurance or conveyance, and in the event of any further vacancy occuring in said trust during its existence, the same shall be filled in the manner last herein recited.

In testimony whereof the President of the said company hath

hereunto set his hand and under and by virtue and in pursuance of a resolution of the Board of Directors of the said Company hath caused the corporate seal to be hereunto affixed the day and year first above written.

Signed sealed and delivered in presence of (Sd.) EDWARD MARTIN. (Sd.) EDMD. B. OSLER, *President.* (Sd.) LYNDHURST OGDEN, *Secretary,* Seal N.S.R. Co.

(Signed,) JOHN L. BLAIKIE, L. S.

(Signed,) G. D'ARCY BOULTON, L. S.

(Signed,) WM. HENDRIE, L. S.

3—MORTGAGE TO SECURE SECOND MORTGAGE BONDS.

This indenture, made the second day of October, one thousand eight hundred and seventy-eight, between the North Simcoe Railway Company, hereinafter called the North Simcoe, of the first part, and John L. Blaikie, of Toronto, Broker, George D'Arcy Boulton, of Toronto, Barrister, and William Hendrie, of Hamilton, contractor, hereinafter called the Trustees, of the second part.

Whereas the North Simcoe have, by indenture dated the fourteenth day of January, in the year of our Lord one thousand eight hundred and seventy-eight, leased their line to the Northern Railway Company of Canada, and one of the terms of said lease is that bonds of the North Simcoe shall not be issued without the consent of the Northern Railway Company to a greater extent than six thousand dollars per mile ;

And whereas the North Simcoe have decided to (in exercise of their statutory power) issue bonds to the extent of six thousand dollars per mile for each mile of the North Simcoe Company's Railway, such bonds to be the first charge under the statutory power on all the property of said company, and upon the rental or moneys to become payable under the said lease ;

Provided always that such issue may be increased with the consent of the Northern Railway Company of Canada, under the provisions of said lease, to a sum not to exceed in all ten thousand dollars per mile, and in that event the said Northern Railway Company of Canada agreeing to pay and provide for the interest on the entire issue, according to the terms of said lease ;

And whereas the North Simcoe have, with the assent of the Northern Railway Company of Canada, issued bonds to the extent of six thousand dollars per mile, as contemplated by the said lease, which said bonds are hereinafter called the first mortgage bonds, and form a first charge upon the said North Simcoe, its real and personal property, franchises and rights,

privileges and the rental now or hereafter to accrue under said lease, and the North Simcoe in order the more fully and effectually to secure the *same*, has executed a mortgage upon all and singular its said property, franchises, rights, privileges and the rental now or hereafter to accrue under said lease, which said mortgage is dated the first day of October in the year of our Lord one thousand eight hundred and seventy-eight, and made between the North Simcoe Railway Company, of the first part, and the said John L. Blaikie, George D'Arcy Boulton, and William Hendrie, as such trustees as aforesaid, of the second part;

And whereas the North Simcoe requires to raise further moneys to complete the work of construction, and has decided to issue a further amount of bonds to the amount of ($133,333) one hundred and thirty-three thousand three hundred and thirty-three dollars, which said bonds are hereinafter called the second mortgage bonds, and which shall form a second and subsequent lien on the said North Simcoe, its property, franchises, rights, privileges and the rental to accrue under said lease, subject always to the prior charge of the said bonds to the extent of six thousand dollars per mile already issued, and subject to the said mortgage of the first day of October, in the year of our Lord one thousand eight hundred and seventy-eight, given to secure the same;

Provided always that no issue of bonds to be secured under the said lease and agreement shall be made to a greater extent than the said first mortgage bonds of six thousand dollars per mile, until and unless the second mortgage bonds hereby secured and all interest thereon shall have been first paid and discharged in full;

And whereas it has been agreed that these presents should be executed for the purpose of the better and more fully securing the payment of the said second mortgage bonds so to be issued, and charging the payment thereof as a second charge upon all the property of the said company, and upon the said rental or moneys to become payable under said lease, subject always to the prior lien of the said first mortgage bonds and interest, to the extent of six thousand dollars per mile;

And whereas it has been agreed that the said second mortgage bonds so to be issued shall be negotiable bonds to the extent of four thousand dollars per mile of each mile of the North Simcoe Company's Railway, and amounting in all to the sum of ($133,333) one hundred and thirty-three thousand three hundred and thirty-three dollars, the principal money of said bonds to fall due on the first day of October, one thousand eight hundred and ninety-eight, with interest payable half-yearly in the meantime at the rate of six per cent. per annum, payable half-yearly on the first days of April and October in each year, as hereinafter more particularly provided, and the said John L. Blaikie, George D'Arcy Boulton, and William Hendrie have consented to act as trustees, to whom these presents shall be made, to secure the due payment of the said mortgage bonds and interest, all of which bonds are to be on an equality in point of security and otherwise, and are to be made transferable by delivery, as if the same were notes of hand payable to bearer, and shall be payable in sums of one thousand dollars, four hundred dollars, and three hundred and thirty-three dollars each respectively, on the first day of October eighteen hundred and ninety-eight, and have interest coupons at the rate of six per cent. per annum attached, payable half-yearly.

The principal and interest of said bonds to be payable at the Bank of Montreal in Toronto, the said bonds shall be numbered consecutively from one to one hundred and forty-six, both inclusive, and shall be signed by the President or Vice-President and Secretary of the said company, and have a printed certificate on the back thereof to be signed by the said trustees or by the survivor or survivors of them, or by their successor or successors, as mortgagees in trust, or any two of them, certifying in substance that such bond is one of the bonds included in and intended to be secured by this mortgage, and none of the bonds are to be valid until such printed certificate thereon is so signed.

Now therefore this indenture witnesseth that the said company, in order to carry out the design aforesaid, and further to secure the payment of the said second mortgage bonds of said company, to the said amount of ($133,333) one hundred and thirty-three thousand three hundred and thirty-three dollars, and the interest on said bonds as aforesaid, and in consideration of the premises and of one dollar to the said company in hand paid by the said trustees, the receipt whereof is hereby acknowledged, the said North Simcoe hath granted, bargained, sold, remised, released, aliened and confirmed, and by these presents doth grant, bargain, sell, remise, release, alien, and confirm unto the said trustees, their successors in this trust, and their heirs and assignees, as joint-tenants, and not as tenants in common, but subject always to the said first mortgage bonds and interest to the extent of six thousand dollars per mile, and to the said mortgage given to secure the same;

All that yearly rent charge or annual sum of three hundred and sixty dollars per mile, together with the benefit of the proviso that in the event of thirty per cent of the gross receipts of the said road not realizing in any year during the said term a sum equal to the said sum of three hundred and sixty dollars per mile per annum, then the deficiency shall be advanced by the lessees in said lease mentioned, upon the terms and conditions in the eighth section of the said lease mentioned, and all benefit that may accrue to the said lessors under the ninth section of the said lease, and all benefit and advantage of all and every the powers, covenants and remedies whatsoever, reserved to or vested in the North Simcoe, by or by virtue of the *said* recited indenture of lease, or otherwise howsoever, for recovering and receiving the same, together with all and all manner of other rights, privileges, and advantages and appurtenances whatsoever to the said yearly rent or annual sum belonging or in anywise appertaining, and all the estate, right, title and interest, use, trust, property and possession, possibility, claim and demand whatsoever, both at law or in equity of the said company in, to, out of, upon or respecting the said yearly rent or annual sum so payable to the said last mentioned company, and also all the estate, right, title and interest of the company in the railway and undertaking, real and personal property, rights and franchises of the said Company, subject to the aforesaid lease;

To have and to hold, receive, take and enjoy the said yearly rent charge or annual sum, hereditaments, powers, remedies and other the premises hereinbefore granted, bargained and sold (subject, however, to the said first mortgage bonds to the extent of six thousand dollars per mile and interest, and subject to the said mortgage given to secure the same), assured or

intended so to be, with their and every of their rights, members, privileges and appurtenances, unto the said Trustees, their heirs and assigns, but as joint-tenants and not as tenants in common, to, and for the use and behoof of them, the said Trustees, their heirs and assigns, upon the trusts and conditions following: that is to say, to collect and receive the said rental or sum of three hundred and sixty dollars per mile, and other moneys to become payable under the said lease to the North Simcoe, or so much thereof as shall remain after paying or satisfying the claims thereon in respect of said first mortgage bonds, to the extent of six thousand dollars per mile, and interest, and the said mortgage given to secure the same, and therewith, so far as the same will extend, pay, as the same fall due, the coupons on the said second mortgage bonds and the principal thereof when the same shall fall due. Provided that if the said North Simcoe shall make default in payment of the said coupons, or any of them, or the said second mortgage bonds, or any of them, as the same become due, according to the terms thereof, then the Trustees or their successors in the trust hereby created, for the time being, upon the written demand of the holder or holders of any of the said bonds, may proceed to enforce the trust by collecting the said rent so reserved or so much thereof as may be available, as aforesaid until out of the proceeds they shall have received enough to pay all sums whatever secured by these presents, and then due and payable, and no longer, and so often as any further or other default shall be made, it shall be lawful for the Trustees or their successors, to proceed in like manner, and for the better enabling the said Trustees, their heirs and assigns, or the survivor of them, to *receive* the said rent and other moneys (if any shall become due), hereby assigned, the said company hath made, constituted and appointed, and by these presents doth make, constitute, and appoint the said Trustees, the true, lawful, and proper attorneys of the said company, and in its name, but to and for the proper use and benefit of the said Trustees, from time to time, and at all times hereafter, during the said term, after such default, subject only to the proviso for redemption hereinafter contained, to ask, demand, sue for, recover and receive, subject to the said claims of said first mortgage bonds, and interest as aforesaid, of and from the said, the Northern Railway Company of Canada, the said yearly rent, and other the premises, as and when the same shall arise or become payable, and upon non-payment thereof in the name and manner aforesaid, or otherwise, as shall be necessary and proper, to commence and prosecute all such actions, suits, and proceedings, and use, exercise and enforce all such powers, remedies, expedient, and legal or equitable ways or means, for compelling payment of and recovering the same, as the said company might, or could do, or had done in case these presents had not been made.

And the said company doth hereby authorize and expressly direct the said Northern Railway Company of Canada, and all and every other person or persons to whom it doth or shall belong, subject as aforesaid, to pay the said yearly rent or annual sum at and when the same shall arise and become payable, and all other sums, if any, which may fall due under said lease, unto the said trustees.

Provided always, and these presents are upon this express condition, that if the company shall well and truly pay, or

cause to be paid, all their said second mortgage bonds to be issued as aforesaid, and the interest coupons thereto attached, upon presentment at maturity, then these presents shall cease and become utterly null and void, and the said real and personal property, rights, franchises of the North Simcoe Railway Company, and the said estates, rights and privileges herein granted and conveyed, shall revert to, and revest in the said company without any acknowledgment of satisfaction, release, quittance, reconveyance, re-entry or other act or formality whatever.

It is further declared and agreed that the North Simcoe shall have the right at any time to pay off the said second mortgage bonds and interest on giving thirty days' notice to that effect by advertisement published in the *Ontario Gazette*, and one daily morning paper published in the City of Toronto, naming a day and place where such payment will be made, and interest shall be calculated and paid on each bond up to the day so fixed for payment on presentation of each bond, together with all unpaid coupons thereto belonging; but if any bond or bonds, together with all unpaid coupons thereto belonging, shall not be presented at the time and place named, the North Simcoe may deposit the amount thereof, with interest calculated to the day of such deposit, in any chartered bank then doing business in the city of Toronto, to be paid by the said bank to the holder or holders of said bond or bonds on presentation thereof with all unpaid coupons; and on such deposit being made interest shall cease to run from the date of such deposit, and on production to the trustees of all bonds and coupons hereby secured, or of such of said bonds and coupons as may have been presented as aforesaid and paid, and a certificate of deposit from any bank as aforesaid for the full amount, computed as aforesaid, and so deposited in respect of any bonds, together with the coupons thereto belonging, not so presented, this mortgage shall, *ipso facto*, become void and of no effect, and the said trustees, their heirs, executors or assigns, or the survivor or survivors of them are hereby authorized and required to release the same at the cost and charges of the said North Simcoe Railway Company, and each bond shall, on its face, contain a statement that it is subject to this proviso.

And it is further provided that the said trustees, their successor or successors in said trust, shall only be accountable for reasonable diligence in the management thereof, and shall not be responsible for the acts of any agent employed by them, when such agent is selected by them with fair discretion, and that said Trustees, their successor or successors in said trust, shall be entitled to receive proper and reasonable compensation for all labours or duties performed in the discharge of said trust, in case they shall be compelled to take possession of said premises and collect the said rental or annual sum, or any part thereof, or to enter upon the management of the same.

And it is further provided by the parties hereto that in case of *the* death, mental incapacity or resignation of the said trustees, or either of them, or if they or either of them shall cease to be residents of Ontario, then *their* right, title and interest of the said trustee or trustees so dying, refusing to sign, becoming incapable of acting, or removing as aforesaid, shall cease and determine and be divested, and the same right, title and interest for the purpose of this mortgage and for the carrying into effect the purposes of this trust herein created, be vested in, revert

to, and all and singular the trusts and duties herein imposed upon the said trustees shall devolve upon some person or persons as shall be agreed upon by a majority of the second mortgage bondholders and the company, or upon their failure or neglect within thirty days after any vacancy to agree upon any suitable person or persons, then upon such person or persons as may be appointed by the Judge of the County Court of the County of York, for the time being, upon the application of one-fourth in value of the then holders of the said second mortgage bonds, they giving to the company thirty days' notice of the pendency of such application, and making such application within sixty days from the occurrence of any vacancy, or upon the application of the company after the expiry of said sixty days to the said Judge, upon such person or persons as he may appoint, said company giving thirty days' notice of the pendency of such application by publication in a daily newspaper of general circulation in the city of Toronto, and the trustee or trustees so appointed shall become vested for the purposes aforesaid with all the real and personal property, franchises, right, title and interest herein conveyed to or vested in the said trustees, subject to all the conditions and restrictions herein expressed without any further assurance or conveyance, and in the event of any further vacancy occurring in said trust, during its existence, the same shall be filled in the manner last herein recited.

In testimony whereof the President of the said company hath hereunto set his hand, and under and by virtue and in pursuance of a resolution of the Board of Directors of the said company, hath caused the corporate seal to be hereunto affixed, the day and year first above written.

Signed, sealed and delivered in presence of
(Sd.) EDWARD MARTIN.

(Sd.) EDMD. B. OSLER,
President,
(Sd.) LYNDHURST OGDEN,
Secretary.
{Seal N.S.R. Co.}

(Sd.) JOHN L BLAIKIE, {L. S.}

(Sd.) G. D'ARCY BOULTON, {L. S.}

(Sd,) WM. HENDRIE, {L. S.}

No. 16.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the Acts incorporating the North Simcoe Railway Company.

(Reprinted as Amended.)

First Reading, 28th January, 1880.

(PRIVATE BILL.)

Mr. GIBSON *(Hamilton)*.

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET.

No. 16] **BILL.** [1880.

An Act to amend the Acts Incorporating the North Simcoe Railway Company.

WHEREAS the directors of the North Simcoe Railway Company, under the sanction of the shareholders first obtained at a special general meeting held for that purpose, issued first mortgage bonds to the amount of two hundred thousand dollars, and second mortgage bonds to the amount of one hundred and thirty-three thousand, three hundred and thirty-three dollars, and executed two certain mortgages hereinafter mentioned, to secure the payment of said bonds respectively: and whereas the said North Simcoe Railway Company have by indenture of lease and agreement, dated the fourteenth of January, one thousand eight hundred and seventy-eight, leased their said line to the Northern Railway Company of Canada; and whereas the said North Simcoe Railway Company have by their petition prayed that said respective issues of said bonds, the said respective mortgages and the said indenture of lease and agreement may be confirmed, and have further prayed for certain amendments of their charter: and whereas it is expedient to grant the prayer of said petition: Preamble.

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The indenture of lease and agreement dated the fourteenth day of January, one thousand eight hundred and seventy-eight, made between the North Simcoe Railway Company and the Northern Railway of Canada, set forth in the schedule hereinafter contained is hereby confirmed. Lease of railway confirmed.

2. The forty-sixth section of the Act, chaptered fifty-four passed in the thirty-seventh year of Her Majesty's reign, is hereby repealed. 37 Vic., c. 54, s. 46, repealed.

3. The said issue of first mortgage bonds to the extent of two hundred thousand dollars is hereby confirmed, and the indenture of mortgage bearing date the first day of October, one thousand eight hundred and seventy-eight, made between the North Simcoe Railway Company of the first part, and John S. Blaikie, George D'Arcy Boulton, and William Hendrie, of the second part, set forth in the schedule hereinafter contained, securing the payment of the said issue of first mortgage bonds which are therein mentioned, is hereby confirmed; and the said issue of second mortgage bonds to the amount of one hundred and thirty-three thousand, three hundred and thirty three dollars is hereby confirmed; and the indenture of mortgage bearing date the second day of October, one thousand eight hundred and Certain bonds and mortgages confirmed.

seventy-eight, made between the said North Simcoe Railway Company of the first part, and the said John L. Blaikie, George D'Arcy Boulton, and William Hendrie, of the second part, set forth in the schedule hereinafter contained, and securing the payment of said issue of second mortgage bonds therein mentioned, is hereby confirmed, and the said first mortgage bonds as described in the said mortgage bearing date the first day of October, one thousand eight hundred and seventy-eight, shall without registration or formal conveyance be taken and considered to be, and shall be, first and preferential claims and charges upon the said undertaking, and the property of the company, real and personal, then existing, or at any time thereafter acquired, and upon the rent reserved under the said indenture of lease and agreement bearing date the fourteenth day of January, one thousand eight hundred and seventy-eight, and upon all benefits and advantages to be derived by the North Simcoe Railway Company, their successors or assigns, under said last mentioned indenture, and upon any increased rental, (if such rental be increased) as contemplated by said mortgage bearing date the first day of October, one thousand eight hundred and seventy-eight, and upon all the property, rights, matters and things described or embraced in said mortgage bearing date the first day of October, one thousand eight hundred and seventy-eight, subject always to said lease and agreement bearing date the fourteenth day of January, one thousand eight hundred and seventy-eight; and each holder of the said first mortgage bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata* with all the other holders thereof upon the undertaking and the property of the company, rental (increased rental if any), benefits and advantages, and other the premises described and embraced in said mortgage as aforesaid; and provided also further, that in the event at any time of the interest upon the said first mortgage bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of said first mortgage bonds shall have and possess the same rights, and privileges, and qualifications for directors, and for voting, as are attached to shareholders: provided that the said first mortgage bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same, on being required to do so by any holder thereof: and the said second mortgage bonds, as described in said mortgage bearing date the second day of October, one thousand eight hundred and seventy-eight, subject only to such first mortgage bonds or mortgages given to secure the same, shall without registration or formal conveyance be taken and considered to be, and shall be second and preferential claims and charges upon the said undertaking, and the property of the company, real and personal, then existing or at any time thereafter acquired, and upon the rent reserved under the said indenture of lease and agreement, bearing date the fourteenth day of January, one thousand eight hundred and seventy-eight, and upon all benefits and advantages to be derived under said last mentioned indenture by the said North Simcoe Railway Company, its successors or assigns, and upon all the property, rights, matters and things described or embraced in said mortgage bearing date the second day of October, one thousand eight hundred and seventy-eight; and each holder of the said

Proviso.

second mortgage bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata*, with all the other holders thereof, upon the undertaking, and the property of the company, rental, benefits and advantages, and other the premises described or embraced in said mortgage bearing date the second day of October, one thousand eight hundred and seventy-eight, as aforesaid, subject always to said lease and agreement bearing date the fourteenth day of January, one thousand eight hundred and seventy-eight, and to the said, the first mortgage bonds, and the said mortgage bearing date the first day of October, one thousand eight hundred and seventy-eight.

Provision for increased issue of first mortgage bonds.

4. It shall be lawful for the North Simcoe Railway Company, with the consent of the holders of the said first and second mortgage bonds, to enter into an agreement with the Northern Railway Company of Canada to increase the issue of the said first mortgage bonds to such a sum as may be mutually agreed on, but not to exceed in the whole ten thousand dollars per mile for each mile of the said Company's railway, and such agreement shall provide for the payment of the interest agreed on upon the whole amount of the issue so agreed on, and in the event of such agreement for an increased issue being made as aforesaid the said second mortgage bonds shall be surrendered to the said North Simcoe Railway Company and shall be cancelled, and the said second Mortgage, bearing date the second day of October, one thousand eight hundred and seventy-eight, shall become utterly void, and it shall be lawful for the directors of the said North Simcoe Railway Company to pass a by-law calling in the existing issue of first mortgage bonds, and further providing that on the same being surrendered to the said Company a new issue of first mortgage bonds shall be made for such amount, and in such sums in Sterling or Currency, and payable at such place or places in England or in Canada, at such days, and times, and in such way and manner as may be provided in said agreement, and the said North Simcoe Railway Company shall have no power to borrow any money or issue any bonds in excess of the amount so agreed on. The agreement by this clause authorized may be made either by way of an addition to the terms of said Indenture bearing date the fourteenth day of January, one thousand eight hundred and seventy-eight, or in such other manner as the Companies may lawfully agree upon, and the said Bonds, for the increased amount, if issued, shall, without registration or formal conveyance, be taken and considered to be, and shall be first and preferential claims and charges upon the said undertaking, and the property of the Company, and all other matters and things mentioned in the third section hereof in the way and manner, and to the extent in said section set forth, and each holder thereof shall be entitled to all the rights thereby vested in holders of first mortgage bonds therein referred to, save only to the extent (if any) the same may be varied by the agreement authorized to be entered into by the terms of this section.

Agreement for amalgamation or sale authorized.

5. It shall be lawful for the North Simcoe Railway Company to enter into an agreement with the Northern Railway Company of Canada for amalgamation with the Northern Railway Company of Canada or for the sale of the North

Simcoe Railway Company to the Northern Railway Company of Canada, upon such terms and conditions as to the Directors of the said Company shall seem fit, and all such agreements shall be valid and binding, according to the terms and tenor thereof.

Agreements subject to ratification by shareholders.

6. No agreement authorized by the two next preceding sections, or either of them, shall be valid or take effect until it shall have been submitted to and received the approval of two thirds of the stock holders of the North Simcoe Railway, voting in person or by proxy.

SCHEDULE REFERRED TO IN THE FOREGOING ACT.

1.—LEASE.

North Simcoe Railway Company to the Northern Railway Company of Canada.

This Indenture, made this fourteenth day of January in the year of our Lord one thousand eight hundred and seventy-eight, between the North Simcoe Railway Company, hereinafter called the lessors of the first part, and the Northern Railway Company of Canada, hereinafter called the lessees of the second part.

1. Whereas the North Simcoe Railway Company are authorized to construct a railway from the village of Penetanguishene to some point of junction with the Northern Railway of Canada at some point between Barrie and Angus;

2. And whereas some progress has been made in the construction of said railway;

3. And whereas the said lessors are authorized, among other things, by their charter, to enter into an agreement to lease unto the lessees their said railway, and such agreement is thereby declared to be valid and binding, and enforcible by courts of law and equity, according to the terms and tenor thereof;

4. And whereas it is the mutual interest of the said lessors and lessees to secure connections between the line of the said lessees and the projected line of the said lessors; And whereas to accelerate the construction and completion of the said projected line, and secure thereafter the efficient and profitable working thereof, the said lessees have agreed to enter into an agreement with the said lessors to lease and work their said road when completed, for twenty years, upon the terms and conditions hereinafter mentioned;

5. Witnesseth that the lessees and lessors, each for themselves, their successors and assigns respectively, covenant and agree with the other in manner following, that is to say:

6. The said lessors will forthwith by all reasonable means and resources within their power and control, build and complete their said line of railway from the village of Penetanguishene to a point of junction with the railway of the lessees, at or near Harrison's Crossings, including all station buildings, platforms, signals, switches, sidings, and other appurtenances necessary for the proper and efficient working of the trains and traffic, and all sufficient terminal and wharfage accommodation

at Penetanguishene, to the extent, in the manner, and of the description set forth and described in a schedule and specification signed by the respective chief engineers of the lessors and lessees; and the said lessors will construct, complete and finish the said line of railway in a manner fit and proper to be worked by the lessees, and subject to the approval of the general manager of the said lessees for the time being, regard being had to the requirements of the schedule and specifications, and in the event of difference as to the standard of any of the above works, the same shall be referred to the chief engineer of the Government of Ontario for the time being.

7. The said lessors agree to lease to the said lessees the whole of the said railway from the said point of junction with the Northern Railway to the terminus thereof, on the waters of the village and harbour of Penetanguishene, and to place the said lessees in possession thereof when completed, and opened and approved as aforesaid, for the period of twenty years, to commence and take effect when the same is so completed and opened and approved as aforesaid for traffic,

8. Yielding and paying therefor half-yearly to the said lessors during the said term, such sum or sums per annum as shall be equivalent to three hundred and sixty dollars per mile of main track, exclusive of sidings, calculated from the passenger terminus at Penetanguishene to the point of junction with the line of railway of the lessees. That in the event of thirty per cent. of the gross receipts of the said road not realizing in any year during the said term a sum equal to the said sum of three hundred and sixty dollars per mile per annum, then the deficiency shall be advanced by the said lessees, and the said lessees shall be entitled to retain such advances from time to time out of any surplus moneys thereafter coming to the said lessors hereunder, with interest thereon at the rate of six per cent. per annum until paid.

9. That in the event of such thirty per cent. of the gross receipts realizing at any time more than such three hundred and sixty dollars per mile then such increase shall be payable to the said lessors; but in the event, and whenever, and so long as the gross receipts of the line of the lessors shall realize or exceed a sum equivalent to sixteen hundred dollars per mile per annum then the lessees shall pay to the lessors a rental equivalent to thirty-five per cent. of such gross receipts. That if, at the expiration or other determination of this lease, any moneys whatever, whether for advances or otherwise, shall be due and unpaid by the lessors to the lessees, it shall be lawful for the lessees to retain possession of and work the said road until payment, or in the event of a renewal of this lease, then the terms of payment shall thereby be provided for and agreed upon.

10. The said lessors will indemnify and hold harmless the said lessees in regard to any claims connected with and arising out of the original construction of their line of railway, and of any act or default of the said lessors in relation thereto, and in the event of the said lessees being called upon to pay and discharge any such claims in the settlement of right of way, severance, damage, flooding, road or farm crossings, or other demand, then all payments made by the lessees in respect thereof, shall be charged against the lessors, and the lessees shall be entitled to retain the amount so paid and advanced, out of any surplus moneys thereafter coming to the said les-

sors hereunder; and until such advances shall be repaid the said lessees shall be entitled to charge the said lessors, with interest thereupon at the rate of six per cent. per annum.

11. The said lessees having disbursed the sum of twenty-five hundred dollars in aid of the surveys, location and other preliminary services and expenses for and on account of the said lessors, it is hereby agreed that upon the completion of the said line, and only in that event, such advances be repaid to the said lessees, and until such advances shall be repaid, the said lessees shall be entitled to charge the said lessors with interest thereupon, at the rate of six per cent. per annum, or in the event of a renewal of this lease, then the terms of payment shall thereby be provided for and agreed upon.

12. In the event of the lessors failing to construct and complete the said line of railway within three years from the date hereof, then this lease shall become void and of no effect; provided however, that any claim which the lessees may have against the lessors for moneys advanced shall be paid by and recoverable from the lessors.

13. The lessors agree not to make any demand upon the Corporation of the Township of Flos for the transfer of the debentures or the proceeds thereof, in payment of bonus, without the previous assent of the lessees in writing.

14. That no issue of the debentures or bonds upon the security of the said railway shall, unless with the consent of the said lessees, exceed in the whole a sum equivalent to six thousand dollars per mile of main line, exclusive of sidings.

15. In the event of the gross receipts being insufficient in any one year to pay the interest upon the said mortgage bonds, at the said rate of six thousand dollars per mile, the deficiency shall be advanced and paid by the said lessees, who shall be entitled to retain the amount so advanced out of any surplus moneys thereafter coming to the said lessors hereunder, and until such advances shall be repaid, the said lessees shall be entitled to charge the said lessors with interest thereupon, at the rate of six per cent. per annum.

16. In the event of the said lessees failing, for the period of one year from the date of payment herein provided, to pay to the said lessors the said rental of three hundred and sixty dollars per mile, or the proportion of per centage of gross earnings as in the nature of rental herein provided, or of being in arrear for one year in the payment of the said rental, the said lessors shall have the right to treat this lease as at an end, and may thereupon re-enter and resume possession and control of the said railway.

17. The said lessees agree to pay rent and taxes, and to maintain the said line of railway of the lessors, from the time of completion and transfer of possession thereof, during the whole of the said term in good order, and to deliver the same at the expiration of the said term to the said lessors in as good a plight and condition as the same shall be received by the said lessees at the commencement of the said term, reasonable wear and tear thereof excepted.

18. In the event of the said lessees constructing any new or additional works or improvements of a permanent character, or reconstructing the then existing works of the said road, upon a higher or more permanent standard than required by the original specifications, the said lessees shall be entitled, provided that the specifications for the same shall have been first approved,

and the additional works sanctioned by the Board of Directors of the lessors, to charge the additional or extra amount so expended, as an advance of additional capital to the said lessors, which amount shall be ascertained at the close of each year, and thereafter the same shall bear interest at the rate of six per cent., and may be retained by the said lessees out of any moneys coming to the said lessors under this lease, after the payment of the interest upon the said mortgage bonds, and at the expiration or other sooner determination of this lease, shall be repaid to the said lessees who shall be entitled, until payment thereof, to retain possession of and work the said road, or, in the event of a renewal of this lease, then the terms of payment shall thereby be provided for and agreed upon.

19. In the event of the lessees requesting the sanction of the lessors to any new or additional works or improvements, upon the ground that the same are essential to the proper and more profitable working of the traffic of the line of the lessors; and shall prepare and present specifications and estimates for the same, and the lessors shall thereupon refuse or neglect to sanction the same, it shall be lawful for the lessees to appoint one indifferent person, who together with another to be appointed by the lessors, who together with a third to be chosen by them, shall decide whether the proposed works are essential to the proper and more profitable working of the traffic of the said lines; and whether the same, if constructed by the lessees, shall be chargeable against the lessors in manner hereinbefore mentioned.

20. The said lessees agree to provide a sufficient number of engines and cars for the use of the lessors for laying and ballasting the track, and such other engines and cars as may be required in the construction of the said line at a fair rental.

21. The said lessees do hereby agree and become bound to provide the necessary locomotive engines, cars, and other rolling equipment requisite for the proper and efficient working of the said railway so soon as the same shall have been completed, as before specified, and shall, during the continuance of this lease, daily work the said railway, and efficiently keep in order and maintain the same, and shall also keep open and maintain stations at such places as have been prescribed by the by-laws granting bonuses to the said lessors.

22. The said lessees shall have, during the continuance of this lease, entire control and management of the said railway hereby leased, as well in regard to the regulating and settling from time to time the amount and rates of tolls, fares, freight and other charges to be paid, collected and taken thereon, and the mode of collecting and receiving the same; and also all other matters and things in any way touching or incident to the using, operating and working of the said railway, and the development of its traffic; and all the powers conferred to the said lessors by their act of incorporation, so far as the same can be transferred, or are applicable, are hereby assigned and transferred to the said lessees, and shall relate and extend to the working of the said railway during the term hereby granted; but the tariff for freight and passengers on the said railway of the lessors shall be relatively the same as that in operation from time to time over the railway of the lessees; the rates, nevertheless, from Penetanguishene to Toronto shall not exceed those between Collingwood and Toronto

23. The directors and the chief officers of the lessors shall have free passes over the line of railway of the lessees until the lessees shall accept and enter upon the possession of the railway of the lessors, under the provisions of this lease.

24. The said lessees shall make and keep separate and accurate accounts, to be made out at the end of each half year, ending on the thirty-first day of December, and on the thirtieth day of June, and on the first days of the months of March and September in each year, and at such other convenient dates as may be mutually agreed upon by the parties hereto; the said lessors and lessees shall severally appoint an auditor to examine the same, who shall, if they deem it necessary, have free access to and liberty to investigate, inspect and take copies of the books and vouchers of the said lessees, at any station or office on either line so far as they relate to the traffic in this lease referred to, and in the event of any difference in the adjustments of such half-yearly accounts between the said two auditors, they shall appoint some third person as referee between them, and the decision of such referee shall be binding upon all parties, and in computing the earnings upon such traffic as may be common to both railways, the rate charged therefor shall be credited to each railway in proportion to the respective mileage of each railway over which the said rate may have been charged.

25. And it is also agreed between the parties hereto, that in case any dispute arises between them as to any of the matters or things in this indenture contained, the same shall be referred to the award or arbitrament of two disinterested persons, one of whom shall be appointed by each of the said parties, who shall jointly choose a third disinterested person to act as arbitrator, and the decision of such arbitrators shall be final and binding; and in case either of the said parties refuse or neglect to appoint an arbitrator within twenty days after notice in writing for that purpose may have been given to either of them, then the decision of the arbitrator of the party giving notice, shall be binding on both parties; and it is hereby agreed that in all cases hereinbefore provided for arbitration, the award of the arbitrators or the majority shall be binding.

As witness the seals of the said corporations the day and year first above written.

(Signed,) J. SAURIN McMURRAY,
President N. S. R. Co. { Seal N.S.R Co. }

(Signed,) T. RICHARD FULLER,
Secretary-Treasurer N. S. Railway.

(Signed,) WILLIAM THOMPSON,
President. { Seal N.R. of Canada }

(Signed,) WALTER TOWNSEND,
Secretary.

2.—MORTGAGE TO SECURE FIRST MORTGAGE BONDS.

This indenture made the first day of October, one thousand eight hundred and seventy-eight, between the North Simcoe

Railway Company, hereinafter called the "North Simcoe," of the first part, and John L. Blaikie, of Toronto, broker; George D'Arcy Boulton, of Toronto, barrister, and William Hendrie, of Hamilton, contractor, hereinafter called the trustees of the second part.

Whereas the North Simcoe have by indenture dated the fourteenth day of January, in the year of our Lord one thousand eight hundred and seventy-eight, leased their line to the Northern Railway Company of Canada, and one of the terms of said lease is that bonds of the North Simcoe shall not be issued without the consent of the Northern Railway Company, to a greater extent than six thousand dollars per mile;

And whereas the North Simcoe have decided in exercise of their statutory powers to issue bonds to the extent of six thousand dollars per mile, for each mile of the North Simcoe Company's Railway, such bonds to be the first charge under their statutory powers, on all the property of said company, and upon the rental, or moneys to become payable under the said lease;

Provided always that such issue may be increased with the consent of the Northern Railway Company of Canada, under the provisions of said lease, to a sum not to exceed in all ten thousand dollars per mile, and in that event the said Northern Railway Company agreeing to pay and provide for the interest on the entire issue, according to the terms of said lease;

And whereas it has been agreed that these presents should be executed for the purpose of the better and more fully securing the payment of the said bonds so to be issued, and charging the payment thereof as a first charge upon all the property of the said company, and upon the said rental, or moneys to become payable under said lease;

And whereas it has been agreed that the said bonds so to be now issued, shall be negotiable bonds, to be numbered consecutively, and for the sum of two hundred thousand dollars, being at the rate of six thousand dollars per mile of railway, as aforesaid, the principal money of said bonds to fall due on the first day of October, one thousand eight hundred and ninety-eight, with interest payable half yearly in the meantime, at the rate of six per cent. per annum, payable half yearly, on the first day of April, and first day of October in each year, as hereinafter more particularly provided, and the said John L. Blaikie, George D'Arcy Boulton, and William Hendrie, have consented to act as trustees, to whom these presents shall be made; all of which bonds are to be on an equality so far as regards the security therefor created by the said statutory powers, and these presents, and are to be made transferable by delivery, as if the same were notes of hand payable to bearer; and shall be payable in sums of one thousand dollars of lawful money of Canada, each on the first day of October, in the year of our Lord one thousand eight hundred and ninety-eight, and have interest coupons at the rate of six per cent. per annum attached, payable half yearly;

The principal and interest of said Bonds to be payable at the Bank of Montreal, in Toronto, in lawful money of Canada. The said Bonds shall be numbered consecutively from one to two hundred, both inclusive, and shall be signed by the President, or Vice-President and Secretary of the said Company, and have a printed certificate on the back thereof, to be signed by the said Trustees, or by the survivor or survivors, of them or by their successor or successors, as mortgagees in trust, or any two

of them certifying in substance that such Bond is one of the Bonds included in, and intended to be secured by this mortgage, and none of the Bonds are to be valid until such printed certificate thereon is so signed.

And Whereas the time from which the rental is payable under said lease is dependent upon the date on which the Railroad of the North Simcoe is completed, opened, and approved of for traffic as therein mentioned; it is therefore declared and agreed that notwithstanding anything herein contained that the said bonds shall only bear interest from the date from which the rental shall begin to run, and that if there shall be any issued less than half a year between the said date and that on which the next half year's coupon would otherwise fall due, such coupon shall be cut off, and the bondholder shall only receive interest for the broken period which shall elapse between the date from which rent shall begin to run, and the date on which the coupon for the then current half-year would otherwise mature.

Now, therefore, this indenture witnesseth that the said company, in order to carry out the design aforesaid, and further to secure the payment of the bonds of said company, now to be issued at the rate of six thousand dollars per mile, or the issue of ten thousand dollars per mile, if the same shall be made in manner and form as hereinbefore contemplated, and the interest on said bonds, and in consideration of the premises and of one dollar to the said company in hand paid by the Trustees, the receipt whereof is hereby acknowledged, hath granted, bargained, sold, remised, released, aliened, and confirmed, and by these presents doth grant, bargain, sell, remise, release, alien, and confirm unto the said Trustees; their successors in this trust and their heirs and assigns as joint tenants, and not as tenants in common, all that yearly rent charge or annual sum of three hundred and sixty dollars per mile, reserved in and by the said indenture of lease, together with the benefit of the provisions therein contained, that in the event of thirty per cent. of the gross receipts of the said road not realizing in any year during the said term a sum equal to the said sum of three hundred and sixty dollars per mile, per annum, then the deficiency shall be advanced by the lessees in said lease mentioned, upon the terms and conditions in the eighth section of the said lease mentioned, and all benefit that may accrue to the said lessee under the ninth section of the said lease, and all benefit and advantage of all and every the powers, covenants and remedies whatsoever reserved to or vested in the company, by or by virtue of the said recited indenture of lease, or otherwise howsoever, for recovering and receiving the same, together with all, and all manner of other rights, privileges, advantages, and appurtenances whatsoever to the said yearly rent or annual sum, belonging or in anywise appertaining, and all the estate, right, title, and interest, use, trust, property, possession, possibility, claim and demand, whatsoever, both at Law and in Equity, of the said company, into, out of, upon, or respecting the said yearly rent or annual sum, so payable to the said last mentioned company, and also the estate, right, title and interest of the company in the railway and undertaking, real and personal property, rights and franchises of the said company, subject to the aforesaid lease.

To have and to hold, receive, take, and enjoy, the said yearly rent, charge, or annual sum, hereditaments, powers, reme-

dies and other, the premises hereinbefore granted, bargained and sold, or otherwise assured, or intended so to be, with their, and every of their rights, members, privileges, and appurtenances, unto the said Trustees, their heirs and assigns, but as joint tenants, and not as tenants in common, to and for the use and behoof of them, the said Trustees, their heirs and assigns, upon the trusts and conditions following, that is to say, to collect and receive the said rental or sum of three hundred and sixty dollars per mile, and therewith pay the interest, as the same falls due, provided further that if the said company shall make default in payment of the said coupons, or any of them, or the said bonds, or any of them, as the same become due according to the terms thereof, then the Trustees, or their successors in the trust hereby created for the time being, upon the written demand of the holder or holders of the said bonds, may proceed to enforce the trust by collecting the said rents so reserved, if any, over and above the said sum of three hundred and sixty dollars per mile, until out of the proceeds they shall have received enough to pay all sums whatever secured by these presents, and then due and payable, and no longer, and so often as any further or other default shall be made, it shall be lawful for the Trustees or their successors to proceed in like manner, and for the better enabling the said Trustees, their heirs and assigns, or the survivors of them, to receive the said rent and other moneys (if any shall become due) hereby assigned, the said company hath made, constituted and appointed, and by these presents doth make, constitute and appoint the said Trustees, the true, lawful, and proper attorneys of the said company; and in its name, but to and for the proper use and benefit of the said Trustees from time to time and at all times hereafter during the said term after such default, subject only to the proviso for redemption hereinafter contained, to ask, demand, sue for, recover and receive of and from the said The Northern Railway Company of Canada the said yearly rent and other the premises as and when the same shall arise or become payable, and upon nonpayment thereof in the name and manner aforesaid or otherwise, as shall be necessary and proper, to commence and prosecute all such actions, suits and proceedings, and use, exercise and enforce all such powers, remedies, expedient, and legal, or equitable ways or means for compelling payment of, and recovering the same as the said company might, or could do, or had done, in case these presents had not been made.

And the said company doth hereby authorize and expressly direct the said Northern Railway Company of Canada and all and every other person or persons to whom it doth or shall belong to pay the said yearly rent or annual sum as and when the same shall arise and become payable and all other sums, if any, which may fall due under the said lease unto the said Trustees.

Provided always, and these presents are upon this express condition, that if the company shall well and truly pay or cause to be paid, all their said bonds to be issued as aforesaid, and the interest coupons thereto attached, upon presentment at maturity, then these presents shall cease and become utterly null and void, and the said real and personal property, rights, franchises of the North Simcoe Railway Company, and the said estates, rights and privileges herein granted and conveyed shall revert to and re-vest in the said company without any acknowledge-

ment of satisfaction, release, quittance, reconveyance, re-entry, or other act or formality whatever.

And it is further provided that the said trustees, their successors or successor in said trust, shall only be accountable for reasonable diligence in the management thereof, and shall not be responsible for the acts of any agent employed by them when such agent is selected by them with fair discretion, and that said trustees, their successors or successor in said trust, shall be entitled to receive proper and reasonable compensation for all labours or duties performed in the discharge of said trust, in case they shall be compelled to take possession of said premises and collect the said rental or annual sum or any part thereof, or to enter upon the management of the same. And it is further provided by the parties hereto that in case of the death, mental incapacity or resignation of the said trustees, or either of them, or if they or either of them, shall cease to be residents of Ontario then the right, title or interest of the said trustee or trustees so dying, refusing, resigning, becoming incapable of acting, or removing, as aforesaid shall cease and determine and be divested, and the same right, title and interest for the purpose of this mortgage and for the carrying into effect the purposes of this trust herein created be vested in, revert to, and all and singular the trusts and duties herein imposed upon the said trustees, shall devolve upon some person or persons as shall be agreed upon by a majority of the bondholders and the company, or upon their failure or neglect within thirty days after any vacancy, to agree upon any suitable person or persons, then, upon such person or persons as may be appointed by the Judge of the County Court of the County of York, for the time being, upon the application of one-fourth of the then holders of the bonds, they giving to the company thirty days' notice of the pending of such application, and making such application within sixty days from the ocurrence of any vacancy, or upon the application of the company, after the expiring of said sixty days, to the said Judge, upon such person or persons as he may appoint, said company giving thirty days' notice of the pending of such application by the publication in a newspaper of general circulation in the city of Toronto, and the trustee or trustees so appointed shall become vested for the purposes aforesaid with all the real and personal property, franchises, right, title and interest herein conveyed to or vested in the said trustees subject to all the conditions and restrictions herein expressed without any further assurance or conveyance, and in the event of any further vacancy occuring in said trust during its existence, the same shall be filled in the manner last herein recited.

In testimony whereof the President of the said company hath hereunto set his hand and under and by virtue and in pursuance of a resolution of the Board of Directors of the said Company hath caused the corporate seal to be hereunto affixed the day and year first above written.

Signed sealed and delivered in presence of (Sd) EDWARD MARTIN.

(Sd.) EDW. B. OSLER, *President.*

(Sd.) LYNDHURST OGDEN, *Secretary,*

Seal N.S.R. Co.

(Signed,) JOHN L. BLAIKIE, { L. S. }

(Signed,) G. D'ARCY BOULTON, { L. S. }

(Signed,) WM. HENDRIE, { L. S. }

3—MORTGAGE TO SECURE SECOND MORTGAGE BONDS.

This indenture, made the second day of October, one thousand eight hundred and seventy-eight, between the North Simcoe Railway Company, hereinafter called the North Simcoe, of the first part, and John L. Blaikie, of Toronto, Broker, George D'Arcy Boulton, of Toronto, Barrister, and William Hendrie, of Hamilton, contractor, hereinafter called the Trustees, of the second part.

Whereas the North Simcoe have, by indenture dated the fourteenth day of January, in the year of our Lord one thousand eight hundred and seventy-eight, leased their line to the Northern Railway Company of Canada, and one of the terms of said lease is that bonds of the North Simcoe shall not be issued without the consent of the Northern Railway Company to a greater extent than six thousand dollars per mile ;

And whereas the North Simcoe have decided to (in exercise of their statutory power) issue bonds to the extent of six thousand dollars per mile for each mile of the North Simcoe Company's Railway, such bonds to be the first charge under the statutory power on all the property of said company, and upon the rental or moneys to become payable under the said lease ;

Provided always that such issue may be increased with the consent of the Northern Railway Company of Canada, under the provisions of the said lease, to a sum not to exceed in all ten thousand dollars per mile, and in that event the said Northern Railway Company of Canada agreeing to pay and provide for the interest on the entire issue, according to the terms of said lease ;

And whereas the North Simcoe have, with the assent of the Northern Railway Company of Canada, issued bonds to the extent of six thousand dollars per mile, as contemplated by the said lease, which said bonds are hereinafter called the first mortgage bonds, and form a first charge upon the said North Simcoe, its real and personal property, franchises and rights, privileges and the rental now or hereafter to accrue under said lease, and the North Simcoe in order the more fully and effectually to secure the sums, has executed a mortgage upon all and singular its said property, franchises, rights, privileges and the rental now or hereafter to accrue under said lease, which said mortgage is dated the first day of October in the year of our Lord one thousand eight hundred and seventy-eight, and made between the North Simcoe Railway Company, of the first part, and the said John L. Blaikie, George D'Arcy Boulton, and William Hendrie, as such trustees as aforesaid, of the second part ;

And whereas the North Simcoe requires to raise further moneys to complete the work of construction, and has decided to issue a further amount of bonds to the amount of ($133,333) one hundred and thirty-three thousand three hundred and thirty-three dollars, which said bonds are hereinafter called the second mortgage bonds, and which shall form a second and subsequent lien on the said North Simcoe, its property, franchises, rights, privileges and the rental to accrue under said lease, subject always to the prior charge of the said bonds to the extent of six thousand dollars per mile already issued, and subject to the said mortgage of the first day of October, in the year of our Lord one thousand eight hundred and seventy-eight, given to secure the same;

Provided always that no issue of bonds to be secured under the said lease and agreement shall be made to a greater extent than the said first mortgage bonds of six thousand dollars per mile, until and unless the second mortgage bonds hereby secured and all interest thereon shall have been first paid and discharged in full;

And whereas it has been agreed that these presents should be executed for the purpose of the better and more fully securing the payment of the said second mortgage bonds so to be issued, and charging the payment thereof as a second charge upon all the property of the said company, and upon the said rental or moneys to become payable under said lease, subject always to the prior lien of the said first mortgage bonds and interest, to the extent of six thousand dollars per mile;

And whereas it has been agreed that the said second mortgage bonds so to be issued shall be negotiable bonds to the extent of four thousand dollars per mile of each mile of the North Simcoe Company's Railway, and amounting in all to the sum of ($133,333) one hundred and thirty-three thousand three hundred and thirty-three dollars, the principal money of said bonds to fall due on the first day of October, one thousand eight hundred and ninety-eight, with interest payable half-yearly in the meantime at the rate of six per cent. per annum, payable half-yearly on the first days of April and October in each year, as hereinafter more particularly provided, and the said John L. Blaikie, George D'Arcy Boulton, and William Hendrie have consented to act as trustees, to whom these presents shall be made, to secure the due payment of the said mortgage bonds and interest, all of which bonds are to be on an equality in point of security and otherwise, and are to be made transferable by delivery, as if the same were notes of hand payable to bearer, and shall be payable in sums of one thousand dollars, four hundred dollars, and three hundred and thirty-three dollars each respectively, on the first day of October eighteen hundred and ninety-eight, and have interest coupons at the rate of six per cent. per annum attached, payable half-yearly.

The principal and interest of said bonds to be payable at the Bank of Montreal in Toronto, the said bonds shall be numbered consecutively from one to one hundred and forty-six, both inclusive, and shall be signed by the President or Vice-President and Secretary of the said company, and have a printed certificate on the back thereof to be signed by the said trustees or by the survivor or survivors of them, or by their successor or successors, as mortgagees in trust, or any two of them, certifying in substance that such bond is one of the bonds included in and intended to be secured by this mortgage, and

none of the bonds are to be valid until such printed certificate thereon is so signed.

Now therefore this indenture witnesseth that the said company, in order to carry out the design aforesaid, and further to secure the payment of the said second mortgage bonds of said company, to the said amount of ($133,333) one hundred and thirty-three thousand three hundred and thirty-three dollars, and the interest on said bonds as aforesaid, and in consideration of the premises and of one dollar to the said company in hand paid by the said trustees, the receipt whereof is hereby acknowledged, the said North Simcoe hath granted, bargained, sold, remised, released, aliened and confirmed, and by these presents doth grant, bargain, sell, remise, release, alien, and confirm unto the said trustees, their successors in this trust, and their heirs and assignees, as joint-tenants, and not as tenants in common, but subject always to the said first mortgage bonds and interest to the extent of six thousand dollars per mile, and to the said mortgage given to secure the same;

All that yearly rent charge or annual sum of three hundred and sixty dollars per mile, together with the benefit of the proviso that in the event of thirty per cent of the gross receipts of the said road not realizing in any year during the said term a sum equal to the said sum of three hundred and sixty dollars per mile per annum, then the deficiency shall be advanced by the lessees in said lease mentioned, upon the terms and conditions in the eighth section of the said lease mentioned, and all benefit that may accrue to the said lessors under the ninth section of the said lease, and all benefit and advantage of all and every the powers, covenants and remedies whatsoever, reserved to or vested in the North Simcoe, by or by virtue of the recited indenture of lease, or otherwise howsoever, for recovering and receiving the same, together with all and all manner of other rights, privileges, and advantages and appurtenances whatsoever to the said yearly rent or annual sum belonging or in anywise appertaining, and all the estate, right, title and interest, use, trust, property and possession, possibility, claim and demand whatsoever, both at law or in equity of the said company in, to, out of, upon or respecting the said yearly rent or annual sum so payable to the said last mentioned company, and also all the estate, right, title and interest of the company in the railway and undertaking, real and personal property, rights and franchises of the said Company, subject to the aforesaid lease;

To have and to hold, receive, take and enjoy the said yearly rent charge or annual sum, hereditaments, powers, remedies and other the premises hereinbefore granted, bargained and sold (subject, however, to the said first mortgage bonds to the extent of six thousand dollars per mile and interest, and subject to the said mortgage given to secure the same), assured or intended so to be, with their and every of their rights, members, privileges and apurtenances, unto the said Trustees, their heirs and assigns, but as joint-tenants and not as tenants in common, to, and for the use and behoof of them, the said Trustees, their heirs and assigns, upon the trusts and conditions following: that is to say, to collect and receive the said rental or sum of three hundred and sixty dollars per mile, and other moneys to become payable under the said lease to the North Simcoe, or so much thereof as shall remain after paying or satisfying the claims thereon in respect of said first mort-

gage bonds, to the extent of six thousand dollars per mile, and interest, and the said mortgage given to secure the same, and therewith, so far as the same will extend, pay, as the same fall due, the coupons on the said second mortgage bonds and the principal thereof when the same shall fall due. Provided that if the said North Simcoe shall make default in payment of the said coupons, or any of them, or the said second mortgage bonds, or any of them, as the same become due, according to the terms thereof, then the Trustees or their successors in the trust hereby created, for the time being, upon the written demand of the holder or holders of any of the said bonds, may proceed to enforce the trust by collecting the said rent so reserved or so much thereof as may be available, as aforesaid until out of the proceeds they shall have received enough to pay all sums whatever secured by these presents, and then due and payable, and no longer, and so often as any further or other default shall be made, it shall be lawful for the Trustees or their successors, to proceed in like manner, and for the better enabling the said Trustees, their heirs and assigns, or the survivor of them, to recover the said rent and other moneys (if any shall become due), hereby assigned, the said company hath made, constituted and appointed, and by these presents doth make, constitute, and appoint the said Trustees, the true, lawful, and proper attorneys of the said company, and in its name, but to and for the proper use and benefit of the said Trustees, from time to time, and at all times hereafter, during the said term, after such default, subject only to the proviso for redemption hereinafter contained, to ask, demand, sue for, recover and receive, subject to the said claims of said first mortgage bonds, and interest as aforesaid, of and from the said, the Northern Railway Company of Canada, the said yearly rent, and other the premises, as and when the same shall arise or become payable, and upon non-payment thereof in the name and manner aforesaid, or otherwise, as shall be necessary and proper, to commence and prosecute all such actions, suits, and proceedings, and use, exercise and enforce all such powers, remedies, expedient, and legal or equitable ways or means, for compelling payment of and recovering the same, as the said company might, or could do, or had done in case these presents had not been made.

And the said company doth hereby authorize and expressly direct the said Northern Railway Company of Canada, and all and every other person or persons to whom it doth or shall belong, subject as aforesaid, to pay the said yearly rent or annual sum at and when the same shall arise and become payable, and all other sums, if any, which may fall due under said lease, unto the said trustees.

Provided always, and these presents are upon this express condition, that if the company shall well and truly pay, or cause to be paid, all their said second mortgage bonds to be issued as aforesaid, and the interest coupons thereto attached, upon presentment at maturity, then these presents shall cease and become utterly null and void, and the said real and personal property, rights, franchises of the North Simcoe Railway Company, and the said estates, rights and privileges herein granted and conveyed, shall revert to, and revest in the said company without any acknowledgment of satisfaction, release, quittance, reconveyance, re-entry or other act or formality whatever.

It is further declared and agreed that the North Simcoe shall have the right at any time to pay off the said second mortgage bonds and interest on giving thirty days' notice to that effect by advertisement published in the *Ontario Gazette*, and one daily morning paper published in the City of Toronto, naming a day and place where such payment will be made, and interest shall be calculated and paid on each bond up to the day so fixed for payment on presentation of each bond, together with all unpaid coupons thereto belonging; but if any bond or bonds, together with all unpaid coupons thereto belonging, shall not be presented at the time and place named, the North Simcoe may deposit the amount thereof, with interest calculated to the day of such deposit, in any chartered bank then doing business in the city of Toronto, to be paid by the said bank to the holder or holders of said bond or bonds on presentation thereof with all unpaid coupons; and on such deposit being made interest shall cease to run from the date of such deposit, and on production to the trustees of all bonds and coupons hereby secured, or of such of said bonds and coupons as may have been presented as aforesaid and paid, and a certificate of deposit from any bank as aforesaid for the full amount, computed as aforesaid, and so deposited in respect of any bonds, together with the coupons thereto belonging, not so presented, this mortgage shall, *ipso facto*, become void and of no effect, and the said trustees, their heirs, executors or assigns, or the survivor or survivors of them are hereby authorized and required to release the same at the cost and charges of the said North Simcoe Railway Company, and each bond shall, on its face, contain a statement that it is subject to this proviso.

And it is further provided that the said trustees, their successor or successors in said trust, shall only be accountable for reasonable diligence in the management thereof, and shall not be responsible for the acts of any agent employed by them, when such agent is selected by them with fair discretion, and that said Trustees, their successor or successors in said trust, shall be entitled to receive proper and reasonable compensation for all labours or duties performed in the discharge of said trust, in case they shall be compelled to take possession of said premises and collect the said rental or annual sum, or any part thereof, or to enter upon the management of the same.

And it is further provided by the parties hereto that in case of death, mental incapacity or resignation of the said trustees, or either of them, or if they or either of them shall cease to be residents of Ontario, then the right, title and interest of the said trustee or trustees so dying, refusing to sign, becoming incapable of acting, or removing as aforesaid, shall cease and determine and be divested, and the same right, title and interest for the purpose of this mortgage and for the carrying into effect the purposes of this trust herein created, be vested in, revert to, and all and singular the trusts and duties herein imposed upon the said trustees shall devolve upon some person or persons as shall be agreed upon by a majority of the second mortgage bondholders and the company, or upon their failure or neglect within thirty days after any vacancy to agree upon any suitable person or persons, then upon such person or persons as may be appointed by the Judge of the County Court of the County of York, for the time being, upon the application of one-fourth in value of the then holders of the said second mortgage bonds, they giving to the company thirty days' notice of

the pendency of such application, and making such application within sixty days from the occurrence of any vacancy, or upon the application of the company after the expiry of said sixty days to the said Judge, upon such person or persons as he may appoint, said company giving thirty days' notice of the pendency of such application by publication in a daily newspaper of general circulation in the city of Toronto, and the trustee or trustees so appointed shall become vested for the purposes aforesaid with all the real and personal property, franchises, right, title and interest herein conveyed to or vested in the said trustees, subject to all the conditions and restrictions herein expressed without any further assurance or conveyance, and in the event of any further vacancy occurring in said trust, during its existence, the same shall be filled in the manner last herein recited.

In testimony whereof the President of the said company hath hereunto set his hand, and under and by virtue and in pursuance of a resolution of the Board of Directors of the said company, hath caused the corporate seal to be hereunto affixed, the day and year first above written.

Signed, sealed and delivered in presence of
(Sd.) EDWARD MARTIN.

(Sd.) EDW. B. OSLER,
President,
(Sd.) LYNDHURST OGDEN,
Secretary. { Seal N.S.R. Co. }

(Sd.) JOHN L. BLAIKIE, { L. S. }

(Sd.) G. D'ARCY BOULTON, { L. S. }

(Sd.) WM. HENDRIE, { L. S. }

No. 16.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the Acts Incorporating the North Simcoe Railway Company.

First Reading, , 1880.

(PRIVATE BILL.)

Mr. GIBSON, *(Hamilton).*

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET.

No. 17.] BILL. [1880.

An Act to amend the City of Toronto Consolidation Debenture Act of 1879.

WHEREAS the corporation of the city of Toronto have by their petition set forth that doubts have arisen as to the true intent and meaning of that part of "The City of Toronto Consolidation Debenture Act of 1879" relating to the providing a sinking fund for the debentures authorized to be issued under the said act; Preamble.

And whereas it is expedient that such doubt should be removed;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section seven of the act passed in the forty-second year of Her Majesty's reign, chaptered seventy-five, intituled "An Act respecting the Debenture Debt and certain Property of the city of Toronto," is hereby amended by striking out the words "until the first day of July one thousand nine hundred and nineteen inclusive" occurring in the second and third lines thereof, and also the words "the debentures now outstanding as aforesaid and the renewals thereof and" occurring in the fifth and sixth lines thereof, and adding after the words "at the rate of three quarters of one per cent" in the ninth line the words "on the amount of the debentures from time to time issued in the nature of renewal debentures or otherwise under the authority of this act:" and it is further enacted that these amendments do take effect from the date of the passing of the said act. Sec. 7 of 42 Vic., c. 75, amended.

No. 17.

1st Session, 4th Parliament, 43 Vic., 1880.

BILL.

An Act to amend the City of Toronto Consolidation Debenture Act of 1879.

1st Reading, 1880.

(PRIVATE BILL.)

Mr. MORRIS..

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 19.] BILL. [1880.

An Act respecting the Grand Junction Railway Company.

WHEREAS the Grand Junction Railway Company have petitioned that an Act may be passed to amend the Acts relating to the said company, and it is expedient to grant the prayer of the said petition: Preamble

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The corporation of the township of Seymour may, with the consent of the said railway company, substitute for the debentures already issued for the sum of thirty-five thousand dollars and interest, under and in pursuance of the by-law of the said corporation passed in aid of the said railway, other debentures to be made payable on the first day of January, one thousand eight hundred and eighty-one and the eighteen following years, with interest annually on the said days for an amount equal to the amount remaining due on the debentures already issued; and the reeve and treasurer of the said township are hereby authorized to make and deliver to the trustees for the municipal debentures appointed under the provisions of the Act incorporating the said company, or to the said company, or to the holders of the said debentures already issued, such new debentures as aforesaid in substitution for the said debentures already issued, which shall thereupon be surrendered and cancelled, and such new debentures to be so issued as aforesaid shall be legal, valid and binding on the said corporation as if issued and made payable according to the terms of the said by-law. Township of Seymour authorized to change debentures already issued for new ones.

2. The time for the completion of the said railway to a point of junction with the Midland Railway of Canada at or near the village of Omemee or in the township of Emily, and thence, in conjunction with the said the Midland Railway, or by an independent line, to such point on the Georgian Bay, or the River Ste. Marie, or at or near the Sault Ste. Marie, as may be determined on by the board of directors as the terminus of the said line, is hereby extended to the first day of May, one thousand eight hundred and eighty-four, and the said the Grand Junction Railway Company is hereby authorized to build and construct their said railway from the village of Hastings to such point of junction and to the terminus of the said road on such line or by such route as they may deem expedient, and to acquire by purchase, or lease, or to use by agreement for running powers, or by way of traffic arrangement, any part of the track, line, buildings, or works of any Time extended. Location of line. Agreements with other companies.

existing railway which the company owning the same may by agreement, conveyance, or lease, sell, lease, transfer, or grant the use of, to the said the Grand Junction Railway Company; and every such company is hereby authorized and empowered to enter into and make any such conveyance, lease, or agreement to or with the said the Grand Junction Railway Company; Provided always that the same shall be sanctioned, ratified and approved of by a majority in value of the stockholders of such company entitled to vote at a meeting of stockholders specially called for that purpose, and thereupon any such conveyance, lease, or agreement shall be legal and valid, and on the completion of the said the Grand Junction Railway to the town of Peterborough on or before the first day of May, one thousand eight hundred and eighty-one, by the use of any such existing railway for part of its line, any municipal bonus made payable on the completion to Peterborough shall become due and payable to the said the Grand Junction Railway Company in the same manner as if the said company had constructed their line to the said town within the time heretofore fixed for the completion thereof by any statute or by-law relating thereto.

Proviso.

Payment of bonus.

Power to transfer to other companies.

3. The said the Grand Junction Railway Company is hereby authorized and empowered to sell, transfer, or lease its line of railway, or any part thereof, to any other railway company, together with the property, privileges and franchises belonging to it or to such part of its line as may be so sold, transferred, or leased, or to make any traffic, running, or joint working arrangements with any such railway company on such terms and conditions as may be defined by the agreement under the seal of the companies entering into such agreement which shall be ratified and approved of by a majority in number and value of the stockholders in the said the Grand Junction Railway Company present or represented at a general meeting called for the purpose of considering such agreement.

Issue of bonds

4. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds to any amount not exceeding twelve thousand dollars per mile of railway, to be signed by the president or vice-president of the said company, and countersigned by the secretary or treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, or paying for the construction of the said railway, or paying any mortgage or other liabilities of the said company, and such bonds shall, without registration or formal conveyance, be taken and considered to be preferential claims and charges upon the said undertaking and the real property of the said company, including its rolling stock and equipments then existing and at any time thereafter acquired, subject only to an existing mortgage made by the said company to E. O. Bickford and others, and each holder of the said bonds shall be deemed to be a mortgagee and encumbrancer *pro rata*, with all the other holders thereof, upon the undertaking and property of the company as aforesaid; and Provided also that in the event at any time of the interest upon the said bonds remaining unpaid and owing then at the next ensuing annual general meeting of the said company, all

Proviso.

holders of such bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders: Provided that the bonds and any transfer thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof, and all such bonds, debentures, mortgages and other securities and coupons and interest warrants thereon respectively may be made payable to bearer and transferable by delivery, and any holder of any such so made payable to bearer may sue at law thereon in his own name.

No. 19.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting the Grand Junction Railway Company.

1st Reading, 1880.

(PRIVATE BILL.)

Mr. BOULTER.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 19.] BILL. [1880.

An Act respecting the Grand Junction Railway Company.

Preamble

WHEREAS the Grand Junction Railway Company have petitioned that an Act may be passed to amend the Acts relating to the said company, and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Township of Seymour authorized to change debentures already issued for new ones.

1. The corporation of the township of Seymour may substitute for the debentures already issued for the sum of thirty-five thousand dollars and interest, under and in pursuance of the by-law of the said corporation passed in aid of the said railway, other debentures to be made payable on the first day of January, one thousand eight hundred and eighty-one, and the eighteen following years, with interest annually on the said days for the several sums of principal money, with the yearly interest thereon, shown by the schedule to this Act, being for the balance of the said sum of thirty-five thousand dollars now remaining unpaid; and the reeve and treasurer of the said township are hereby authorized to make and deliver to the trustees for the municipal debentures appointed under the provisions of the Act incorporating the said company, or to the said company, or to the holders of the said debentures already issued, such new debentures as aforesaid in substitution for the said debentures already issued, which shall thereupon be surrendered and cancelled, and such new debentures to be so issued as aforesaid shall be legal, valid and binding on the said corporation as if issued and made payable according to the terms of the said by-law, and the agreement heretofore entered into between the said corporation and the said railway company and E. O. Bickford and the Bank of Montreal, who are now the holders of and entitled to the said debentures, for such exchange of debentures and the substitution of such new debentures is hereby declared valid and binding on all the parties thereto.

Time extended.

2. The time for the completion of the said railway to a point of junction with the Midland Railway of Canada at or near the village of Omemee or in the township of Emily, *or to such other point as may be authorized by the existing charter of the said company*, is hereby extended to the first day of May, one thousand eight hundred and eighty-four, and the said the Grand Junction Railway Company is hereby authorized to build and construct their said railway from the village of Hastings to such point of junction, and to the terminus of the said road, on such line or by such route as they may deem

Location of line.

Agreements with other companies.

expedient, and to acquire by purchase, or lease, or to use by agreement for running powers, or by way of traffic arrangement, any part of the track, line, buildings, or works of any existing railway, *legally authorized to enter into such an agreement*, which the company owning the same may by agreement, conveyance, or lease, sell, lease, transfer, or grant the use of, to the said the Grand Junction Railway Company; and every such company *so legally authorized* is hereby empowered to enter into and make any such conveyance, lease, or agreement to or with the said the Grand Junction Railway Company; Provided always that the same shall be sanctioned, ratified and approved of by *at least two-thirds* in value *and a majority* of the stockholders of such company entitled to vote at a meeting of stockholders specially called for that purpose, and thereupon any such conveyance, lease, or agreement shall be legal and valid, and on the completion of the said the Grand Junction Railway to the town of Peterborough on or before the first day of May, one thousand eight hundred and eighty-one, by the use of any such existing railway for part of its line, any municipal bonus made payable on the completion to Peterborough shall become due and payable to the said the Grand Junction Railway Company in the same manner as if the said company had constructed their line to the said town within the time heretofore fixed for the completion thereof by any statute or by-law relating thereto.

Proviso.

Payment of bonus.

Power to transfer to other companies.

3. The said the Grand Junction Railway Company is hereby authorized and empowered to sell, transfer, or lease its line of railway, or any part thereof, to any other railway company, *legally authorized to make such purchase or enter into such agreement* together with the property, privileges and franchises belonging to it or to such part of its line as may be so sold, transferred, or leased, or to make any traffic, running, or joint working arrangements with any such railway company on such terms and conditions as may be defined by the agreement under the seal of the companies entering into such agreement which shall be ratified and approved of by a majority in number and *at least two-thirds in value* of the stockholders in the said the Grand Junction Railway Company present or represented at a general meeting called for the purpose of considering such agreement.

Issue of bonds

4. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds to any amount not exceeding twelve thousand dollars per mile of railway, to be signed by the president or vice-president of the said company, and countersigned by the secretary or treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, or paying for the construction of the said railway, or paying any mortgage or other liabilities of the said company, and such bonds shall, without registration or formal conveyance, be taken and considered to be preferential claims and charges upon the said undertaking and the real property of the said company, including its rolling stock and equipments then existing and at any time thereafter acquired, subject only to *two* existing mortgages made by the said company to *Wentworth James Buchanan and* E. O.

Bickford and others, *respectively*, and each holder of the said bonds shall be deemed to be a mortgagee and encumbrancer *pro rata*, with all the other holders thereof, upon the undertaking and property of the company as aforesaid; and Proviso.
Provided also that in the event at any time of the interest upon the said bonds remaining unpaid and owing then at the next ensuing annual general meeting of the said company, all holders of such bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders: Provided that the bonds and Proviso.
any transfer thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof, and all such bonds, debentures, mortgages and other securities, and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such so made payable to bearer may sue at law thereon in his own name.

☞ 5. Nothing in this Act shall affect the rights of the said railway company or of the county of Peterborough now in question in a certain proceeding pending between the said parties in the Court of Queen's Bench for Ontario or the rights therein in question which shall be determined as if this Act had not been passed. ☜ Certain rights not affected.

☞ SCHEDULE

Referred to in Section 1.

Debenture for	$850	payable 1st January,	1881.
Do	900	do	1882.
Do	950	do	1883.
Do	1000	do	1884.
Do	1050	do	1885.
Do	1150	do	1886.
Do	1200	do	1887.
Do	1250	do	1888.
Do	1350	do	1889.
Do	1400	do	1890.
Do	1500	do	1891.
Do	1600	do	1892.
Do	1700	do	1893.
Do	1800	do	1894.
Do	1900	do	1895.
Do	2000	do	1896.
Do	2150	do	1897.
Do	2250	do	1898.
Do	2350	do	1899.
	$28,350		

With coupons for interest yearly on each of the said sums. ☜

No. 19.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting the Grand Junction Railway Company.

(Reprinted as Amended.)

1st Reading, 21st January, 1880.

(PRIVATE BILL).

Mr. BOULTER.

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET.

No. 19.] BILL. [1880

An Act respecting the Grand Junction Railway Company.

Preamble

WHEREAS the Grand Junction Railway Company have petitioned that an Act may be passed to amend the Acts relating to the said company, and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Township of Seymour authorized to change debentures already issued for new ones.

1. The corporation of the township of Seymour may substitute for the debentures already issued for the sum of thirty-five thousand dollars and interest, under and in pursuance of the by-law of the said corporation passed in aid of the said railway, other debentures to be made payable on the first day of January, one thousand eight hundred and eighty-one, and the eighteen following years, with interest annually on the said days for the several sums of principal money, with the yearly interest thereon, shown by the schedule to this Act, being for the balance of the said sum of thirty-five thousand dollars now remaining unpaid; and the reeve and treasurer of the said township are hereby authorized to make and deliver to the trustees for the municipal debentures appointed under the provisions of the Act incorporating the said company, or to the said company, or to the holders of the said debentures already issued, such new debentures as aforesaid in substitution for the said debentures already issued, which shall thereupon be surrendered and cancelled, and such new debentures to be so issued as aforesaid shall be legal, valid and binding on the said corporation as if issued and made payable according to the terms of the said by-law, and the agreement heretofore entered into between the said corporation and the said railway company and E. O. Bickford and the Bank of Montreal, who are now the holders of and entitled to the said debentures, for such exchange of debentures and the substitution of such new debentures is hereby declared valid and binding on all the parties thereto.

Time extended.

Location of line.

2. The time for the completion of the said railway to a point of junction with the Midland Railway of Canada at or near the village of Omemee or in the township of Emily, *or to such other point as may be authorized by the existing charter of the said company*, is hereby extended to the first day of May, one thousand eight hundred and eighty-four, and the said the Grand Junction Railway Company is hereby authorized to build and construct their said railway from the village of Hastings to such point of junction, and to the terminus of the

Agreements with other companies.

said road, on such line or by such route as they may deem expedient, and to acquire by purchase, or lease, or to use by agreement for running powers, or by way of traffic arrangement, any part of the track, line, buildings, or works of any existing railway, *legally authorized to enter into such an agreement*, which the company owning the same may by agreement, conveyance, or lease, sell, lease, transfer, or grant the use of, to the said the Grand Junction Railway Company; and every such company *so legally authorized* is hereby empowered to enter into and make any such conveyance, lease, or agreement to or with the said the Grand Junction Railway Company; Provided always that the same shall be sanctioned, ratified and approved of by *at least two-thirds* in value *and a majority* of the stockholders of such company entitled to vote at a meeting of stockholders specially called for that purpose, and thereupon any such conveyance, lease, or agreement shall be legal and valid, and on the completion of the said the Grand Junction Railway to the town of Peterborough on or before the first day of *June*, one thousand eight hundred and eighty-one, by the use of any such existing railway for part of its line, any municipal bonus made payable on the completion to Peterborough shall become due and payable to the said the Grand Junction Railway Company in the same manner as if the said company had constructed their line to the said town within the time heretofore fixed for the completion thereof by any statute or by-law relating thereto; ☞Provided further, and it is hereby enacted, That the Grand Junction Railway shall, between Hastings and Peterborough, be constructed on the line now surveyed, as near as can be, but with the right to the Grand Junction Railway Company for their railway to acquire from the Cobourg, Peterborough and Marmora Railway and Mining Company part of the portion of their line north of Rice Lake and next Peterborough, either by purchase of the fee simple or by lease in perpetuity at a nominal rent, and the said Cobourg, Peterborough and Marmora Railway and Mining Company are hereby authorized to grant said lease or sell said portion of their line, which may be so acquired as aforesaid; and further, that the twenty-five thousand dollars of the bonus of fifty thousand dollars, granted by the City of Belleville by by-law number three hundred and sixty-nine, and which is payable on the construction and completion of the Grand Junction Railway to Peterborough, on the line above mentioned, in accordance with the terms and provisions of said by-law number three hundred and sixty-nine, shall not be payable unless and until the said Grand Junction Railway is completed by the first day of June, eighteen hundred and eighty-one, on said line, and in accordance with all the requirements of said by-law, except as to time for completion and payment of bonus, and all questions as to such compliance shall be determined as in the said by-law is provided. ☜

Proviso.

Payment of bonus.

Proviso.

Power to transfer to other companies.

3. The said the Grand Junction Railway Company is hereby authorized and empowered to sell, transfer, or lease its line of railway, or any part thereof, to any other railway company, *legally authorized to make such purchase or enter into such agreement* together with the property, privileges and franchises belonging to it or to such part of its line as may be so sold, transferred,

or leased, or to make any traffic, running, or joint working arrangements with any such railway company on such terms and conditions as may be defined by the agreement under the seal of the companies entering into such agreement which shall be ratified and approved of by a majority in number and *at least two-thirds in value* of the stockholders in the said the Grand Junction Railway Company present or represented at a general meeting called for the purpose of considering such agreement.

Issue of bonds

4. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds to any amount not exceeding twelve thousand dollars per mile of railway, to be signed by the president or vice-president of the said company, and countersigned by the secretary or treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, or paying for the construction of the said railway, or paying any mortgage or other liabilities of the said company, and such bonds shall, without registration or formal conveyance, be taken and considered to be preferential claims and charges upon the said undertaking and the real property of the said company, including its rolling stock and equipments then existing and at any time thereafter acquired, subject only to *two* existing mortgages made by the said company to *Wentworth James Buchanan and* E. O. Bickford and others, *respectively*, and each holder of the said bonds shall be deemed to be a mortgagee and encumbrancer *pro rata*, with all the other holders thereof, upon the undertaking and property of the company as aforesaid; and

Proviso.

Provided also that in the event at any time of the interest upon the said bonds remaining unpaid and owing then at the next ensuing annual general meeting of the said company, all holders of such bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders: Provided that the bonds and

Proviso.

any transfer thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof, and all such bonds, debentures, mortgages and other securities, and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such so made payable to bearer may sue at law thereon in his own name.

Certain rights not affected.

☞5. Nothing in this Act shall affect the rights of the said railway company or of the county of Peterborough now in question in a certain proceeding pending between the said parties in the Court of Queen's Bench for Ontario or the rights therein in question which shall be determined as if this Act had not been passed; ☜☞nor shall anything in this Act contained affect the conditions or provisions in the by-law of the corporation of the county of Peterborough granting aid by way of bonus to the said railway company.

Interest on debentures of village of Stirling.

6. No interest is or shall be payable on the debentures issued by the corporation of the village of Stirling, for the bonus

granted by said corporation to the Grand Junction Railway Company, which accrued before the half-year's interest current, on the 14th day of February, 1879, and upon payment of the half-year's interest current at said date, and which accrued thereafter according to the tenor and effect of said debentures, no prior interest shall be due or payable in respect of said debentures, and the said debentures so issued for said bonus are hereby declared legal and valid, and the powers conferred by this Act shall not be exercised until the said company shall have made or procured and delivered to the said corporation an effectual release and discharge from the payment of the interest which by this section the said corporation is declared not to be liable to pay in respect of the said bonus or the debentures issued therefor.

SCHEDULE

Referred to in Section 1.

Debenture	for $850	payable 1st January,	1881.
Do	900	do	1882.
Do	950	do	1883.
Do	1000	do	1884.
Do	1050	do	1885.
Do	1150	do	1886.
Do	1200	do	1887.
Do	1250	do	1888.
Do	1350	do	1889.
Do	1400	do	1890.
Do	1500	do	1891.
Do	1600	do	1892.
Do	1700	do	1893.
Do	1800	do	1894.
Do	1900	do	1895.
Do	2000	do	1896.
Do	2150	do	1897.
Do	2250	do	1898.
Do	2350	do	1899.
	$28,350		

With coupons for interest yearly on each of the said sums.

No. 19.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting the Grand Junction Railway Company.

(Reprinted as Amended,)

First Reading, 21st January, 1880.

Second " 13th February, 1880.

(PRIVATE BILL).

Mr. BOULTER.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 20.] BILL. [1880.

An Act respecting the Stratford and Huron and the Port Dover and Lake Huron Railways Companies.

Preamble.

WHEREAS the Stratford and Huron Railway Company, and the Port Dover and Lake Huron Railway Company have, by their petition, prayed for certain amendments in the Acts relating to the said Railway Companies, and for certain additional powers and privileges, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpretation clause.

1. Unless the context shall require a different interpretation of the words hereby interpreted, the words, "The United Company," shall mean the one company and one corporation, by the corporate name assigned to it in an agreement mentioned in the eleventh section of an Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, and the Company purchasing the railway property and rights of the other Company, by the corporate name assigned to it in an agreement mentioned in the twelfth section of the last named Act, and the words, "two-thirds," shall mean two-thirds in value.

The priorities of first and second preference bonds not to be affected.

(1.) Nothing in this Act shall affect the rank, preference, or priority of the two classes of first and second preference bonds of the Stratford and Huron Railway Company, or of the Port Dover and Lake Huron Railway Company, or of the United Company, as the case may be, as between such two classes of bonds and the holders thereof; but each special lien by this Act attached to bonds declared to be "first and preferential claims and charges," shall be held and enjoyed by the holders thereof according to the rank, preference and priority of the said two classes of bonds.

Power to extend the Railway to Sault Ste. Marie.

2. The Stratford and Huron Railway Company is hereby empowered and authorized to construct and extend the railway, or construct a branch thereof, as it may deem most expedient, with all the works, stations and equipments thereof, from some point in the Great Manitoulin Island, or on or near the shore thereof, to the Village of Sault Ste. Marie, in the District of Algoma, or to some other point or points on the eastern shore of Lake Superior, which may seem most expedient for establishing a terminus of the Railway, or the said branch thereof; and the powers, privileges and rights by this section conferred, shall be held, treated, construed and considered as if they had been conferred on the said Stratford and Huron Railway Company by the original Act of Incor-

poration thereof, and all acts amending and affecting the same, to the same extent and for all purposes, as if they had actually been inserted therein, and formed part thereof.

Time for completion extended.

3. The time for the completion of the Railway and the said branch thereof, should the same be constructed as a branch, is hereby extended for a period of seven years from the passing of this Act; and the failure of the Stratford and Huron Railway Company to complete or to finish and put in operation any part of the line of railway, or of any branch thereof it has been authorized or empowered to construct, within the time or times now or hereafter limited for such purpose, shall not operate as a forfeiture of its charter; and, notwithstanding such failure, the corporate existence and powers of the Stratford and Huron Railway Company shall continue, except in so far as they relate to such portion of the line of the railway, or of any branch thereof authorized, as shall be unfinished within the time limited, or which shall be limited, for that purpose.

35 Vic., c. 53, s. 26, amended.

4. Section twenty-six of the Act passed in the thirty-fifth year of the reign of Her Majesty Queen Victoria, and chaptered fifty-three, is hereby amended by striking out all that portion of the said section which precedes the words, "to enter," in the third line thereof, and substituting therefor the words following: "If at any special general meeting of the shareholders and bondholders of the said company called for that purpose, published and notified as prescribed by the provisions of the statutes affecting the said Company, relating to notices of meetings of shareholders, the majority in value of the votes of the members of such meeting, present in person or by proxy, consent thereto, it shall be lawful for the directors of the said Company;" and by striking out the words "in the Province of Ontario, whose line may connect with such road," in the fourth and fifth lines of the said section, and substituting therefor, the words "or companies which is or are lawfully empowered to enter into such agreements."

The number of the votes of Bondholders determined.

5. Wherever the holders of the bonds of either of the above mentioned Railway Companies or the United Company, are, by the Acts affecting the said companies, or either of them, or by this Act, entitled or allowed to vote at any meeting, each such holder of bonds shall have the number of votes to which he would be entitled if the amount of the bond or bonds he then holds, and upon which he is so entitled or allowed to vote, were an equal amount of the capital stock of such company.

Power to declare bonds of the S. and H. Ry. special liens on its Railway between Stratford and Wiarton, and in these places.

6. The directors of the Stratford and Huron Railway Company are hereby authorized and empowered, with the assent of two-thirds of the holders of each class of the bonds of the last named Company, at such time issued, by resolution to declare that any bonds authorized to be issued by the last named Company under and by virtue of the provisions of the eighth section of an Act passed in the forty-first year of the reign of Her Majesty Queen Victoria, chaptered fifty-four, whether issued before or after the passing of such resolution, and the bonds retained by the holders thereof, but forming

part of the new issue, under the provisions of the said section eight, and not exceeding in the whole the sum of twelve thousand dollars per mile for each mile in length of the railway of the last named Company, in the Town of Stratford and the Village of Wiarton, and between the said Town and Village, shall form and be taken and considered to be the first and preferential claims and charges upon the undertaking and property of the last named Company, real and personal, and then existing, and at any time thereafter acquired, in the Town of Stratford and the Village of Wiarton, and between the said Town and Village, prior to and in preference of all other bonds thereafter issued or to be issued by the last named Company; and upon such resolution being passed by the said directors, after such assent as aforesaid, the bonds of the last named Company mentioned in the said resolution and theretofore or thereafter issued under the provisions of the said section eight, or retained by the holders thereof, but forming part of an issue thereunder, to the extent and amount mentioned in the said resolution, shall, in addition to the liens, claims, charges and encumbrances created and granted by the third, fourth and fifth sections of an Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, form and be taken and considered to be the first and preferential liens, claims and charges upon the undertaking and property of the last named Company, real and personal, and then existing, and at any time thereafter acquired, in the Town of Stratford and the Village of Wiarton, and betweent he said Town and Village; and each holder of said last mentioned bonds shall, in addition to all other powers, privileges and rights, be deemed to be a mortgagee and an encumbrancer, pro rata with all the other holders of said last mentioned bonds, upon the undertaking and property of the last named Company, real and personal, and then existing and at any time thereafter acquired, in the Town of Stratford and the Village of Wiarton, and between the said Town and Village; and, as between the said last mentioned bonds and the holders thereof, and all other bonds which shall thereafter be issued by the last named Company and the holders thereof, the former, (the bonds mentioned in the said resolution and issued under the provisions of the said section eight, or retained by the holders thereof, but forming part of an issue thereunder,) shall take rank and priority and form incumbrances, charges and liens upon the undertaking and property of the last named Company, real and personal, and then existing, and at any time thereafter acquired, in the Town of Stratford and the Village of Wiarton, and between the said Town and Village, immediately before and prior to all other bonds which shall be issued by the last named Company, and not equally or simultaneously with them or any of them: Provided always, that all special liens conferred under the provisions of any Acts affecting the last named Company, which shall have attached to any bonds issued before the passing of the resolution in this section mentioned, shall after the passing of such resolution, merge in the special lien by this section authorized to be conferred.

Proviso.

7. It shall be lawful for the directors of the United Company, at any time after the constitution of the United Company, with the assent of two-thirds of each class of the

Power to declare bonds of United Company special

liens on its railway between Port Dover and Wiarton, and in these places.

bondholders of the Stratford and Huron Railway Company, and of two-thirds of each class of bondholders of the Port Dover and Lake Huron Railway Company; or, if the bonds of the last mentioned Companies shall have been exchanged for bonds of the United Company, or have become under section nine of an Act passed in the forty-first year of the reign of Her Majesty Queen Victoria, chaptered fifty-four, part of a bond issue of the United Company, then, with the assent of two-thirds of each class of bondholders of the United Company, at any time, by resolution to declare that any bonds which shall have been authorized to be issued under section nine of an Act passed in the forty-first year of the reign of Her Majesty Queen Victoria, chaptered fifty-four, in substitution and exchange for outstanding bonds, and, whether issued before or after the passing of such resolution, shall be and form, in addition to the general liens, claims, charges and encumbrances created and granted by the statutes affecting each company or the United Company, the first and preferential claims, liens, charges and encumbrances upon the undertaking and property of the United Company, real and personal, and then existing or at any time thereafter acquired, in the Village of Port Dover and the Village of Wiarton, and between the said Villages, prior to and in preference of all other bonds thereafter to be issued by the United Company: And, upon such resolution being passed by the said directors, after such assent as aforesaid, the bonds of the United Company theretofore or thereafter issued under section nine of the last mentioned Act, in substitution or exchange for outstanding bonds, and the bonds retained, but, by the provisions of section nine of the last mentioned Act, forming part of the bond issue in substitution or exchange as aforesaid, in the said resolution mentioned, shall, in addition to the general liens, claims, charges and encumbrances created and granted by the statutes relating to either Company or the United Company, form and be taken and considered to be the first and preferential liens, claims, charges and encumbrances upon the undertaking and property of the United Company, real and personal, and then existing and at any time thereafter acquired, in the Village of Port Dover and the Village of Wiarton, and between the said Villages; and each holder of any of the bonds mentioned in the said resolution, shall, in addition to all other the general powers, privileges and rights by the statutes relating to either Company or the United Company conferred on bondholders, be deemed to be a mortgagee and an encumbrancer, pro rata with all the other holders of the said bonds mentioned in the said resolution, and issued in substitution or exchange for outstanding bonds under section nine of the last mentioned Act, and with the holders of the bonds retained, but, by the provisions of the said section nine, forming part of the bond issue in substitution or exchange as aforesaid, in the said resolution mentioned, upon the undertaking and property of the United Company, real and personal, and at the time of the passing of the said resolution existing, and at any time thereafter acquired, in the Village of Port Dover and the Village of Wiarton, and between the said Villages; and, as between the bonds mentioned in the said resolution, and so issued in substitution or exchange, or retained by the holders, but forming part of the bond issue in substitution or exchange as aforesaid, in said resolution mentioned, and the holders thereof, and all

other bonds which shall thereafter be issued by the United Company and the holders thereof, the former, (the bonds mentioned in the said resolution and so issued in substitution or exchange, or retained by the holders, but forming part of the bond issue in substitution or exchange as aforesaid, in the said resolution mentioned,) shall take rank and priority and form encumbrances, charges and liens upon the undertaking and property of the United Company, real and personal, and at the time of passing the said resolution existing, and at any time thereafter acquired, in the Village of Port Dover and the Village of Wiarton, and between the said Villages, immediately before and prior to all other bonds which shall thereafter be issued by the United Company, and not equally or simultaneously with them or any of them; Provided always, that all special liens conferred under the provisions of any Act affecting either Company or the United Company, which shall have attached to any bonds of either Company or of the United Company, issued before the passing of the resolution in this section mentioned, shall, after the passing of such resolution, merge in the special lien by this section authorized to be conferred. Proviso.

Power to the Pt. D. & L. H. Ry. to cancel and exchange bonds

8. It shall be lawful for the directors of the Port Dover and Lake Huron Railway Company at any time hereafter, with the consent of two-thirds of the holders of each class of the bonds of the last named Company, at such time issued, to call in and cancel all the bonds of the last named Company then issued, and to issue therefor, and in the place and stead thereof, other bonds of the last named Company, payable at the place or places, at the time or times, and in the manner, and with such rate of interest as may be agreed on by the said two-thirds and directors; and, either to divide the bonds to be issued, after such calling in and cancellation, into the two classes of first and second preference bonds, or, allowing them, if of the said two classes, to remain of such classes, or consolidate them, if of the said two classes, into one of the said classes of bonds, and deliver to bondholders, where bonds have been so called in and cancelled, new bonds to the amount or amounts of the bonds so called in and cancelled, or to a greater or lesser amount, and of such of the said two classes, or all of the one class, as may be agreed on as aforesaid; and the last named Company shall cease to be liable upon the bonds so called in and cancelled as aforesaid where the holders thereof shall have delivered up the same to the said directors, and shall have received therefor, and in the place and stead thereof, such new bonds as shall have been agreed upon as aforesaid; and, where the same shall not have been delivered up to the said directors, the bonds so retained shall, until cancelled and exchanged, form and rank as part of the new bond issue under the sanction of the said agreement, to the extent or amount which, according to the terms of said agreement and as provided thereby, will be the equivalent of the bonds so retained; and, to that extent or amount, the holders of the bonds so retained shall hold the same precisely in all respects as if the bonds, so retained, had been exchanged for the said new bonds, authorized by the said agreement, and as if they held the said last mentioned bonds and no others; and shall have and claim no further, greater or other rights under and by virtue of the bonds so by them retained and held, than

Proviso.

if they had accepted and received the new bonds, by the said two-thirds agreed to be substituted therefor; Provided always, that no new bonds, by this section authorized to be issued and delivered, shall be so issued or delivered except in substitution or exchange for bonds delivered up and cancelled as aforesaid; and, that in no case, shall the total bond issue exceed ten thousand dollars per mile for each mile in length of the railway; Provided also, and it is hereby declared to be the intention of this section, that the special powers to call in, cancel and exchange the bonds of the last named Company, by this section conferred on the directors and two-thirds of each class of bondholders in this section mentioned, shall only be exercised once; Provided also, that all bonds issued under this section shall be subject to and may be dealt with under the eleventh section of an Act passed in the forty-first year of the reign of Her Majesty Queen Victoria, chaptered fifty-four.

Proviso.

Proviso.

Sec. 14 of 52 Vic, c. 66, amended.

9. Section fourteen of the Act passed in the forty-second year of the reign of Her Majesty Queen Victoria, and chaptered sixty-six, is hereby amended by inserting immediately before the word "thereafter," in the eighteenth and forty-second lines of the said section, the words, "theretofore or."

Power to the Pt. D. and L. H. Ry. Co. to erect and maintain snow fences.

10. The Port Dover and Lake Huron Railway Company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty or of any corporation or person whatsoever, lying along the route or line of its railway, and to erect and maintain snow fences thereon; subject to the payment of such damages (if any) as may be thereafter established, in the manner provided by law in respect to such railway, to have been actually suffered; Provided always, that any such snow fences so erected shall be removed on or before the first day of April next following.

Proviso.

Confirmation of municipal by-laws granting aid by way of bonus.

11. A certain By-Law of the Township of Bentinck, passed by the Municipal Council thereof, on the second day of August, in the year of our Lord one thousand eight hundred and seventy-nine, and entitled "A By-Law to aid and assist the Stratford and Huron Railway Company, by granting thereto the sum of two thousand dollars by way of bonus, and to issue debentures therefor, and to authorize the raising and levying of an annual sum by special rate for the payment of the said debentures and the interest thereon;" a certain By-Law of the Township of Bentinck, passed by the Municipal Council thereof, on the second day of August, in the year of our Lord one thousand eight hundred and seventy-nine, and entitled, "A By-Law to aid and assist the Stratford and Huron Railway Company, by granting thereto the sum of eight thousand dollars by way of bonus, and to issue debentures therefor, and to authorize the raising and levying of an annual sum by a special rate for the payment of the said debentures and the interest thereon;" a certain By-Law of the Township of Amabel, passed by the Municipal Council thereof, on the eighteenth day of August, in the year of our Lord one thousand eight hundred and seventy-nine, and entitled, "A By-Law to aid and assist the Stratford and Huron Railway Company, by granting thereto the sum of three thousand

dollars by way of bonus, and to issue debentures therefor, and to authorize the raising and levying of an annual sum by special rate, for the payment of the said debentures and the interest thereon;" a certain By-Law of the Township of Keppel, passed by the Municipal Council thereof, on the fifteenth day of August, in the year of our Lord one thousand eight hundred and seventy-nine, and entitled, "A By-Law to aid and assist the Stratford and Huron Railway Company, by granting thereto the sum of two thousand dollars by way of bonus, and to issue debentures therefor, and to authorize the raising and levying of an annual sum by special rate for the payment of the said debentures and the interest thereon;" A certain By-Law of the Township of Brant, passed by the Municipal Council thereof, on the twenty-second day of September, in the year of our Lord one thousand eight hundred and seventy-nine, and entitled, "A By-Law to aid and assist the Stratford and Huron Railway Company, by granting thereto the sum of five thousand dollars by way of bonus, and to issue debentures therefor, and to authorize the raising and levying of an annual sum by a special rate for the payment of the said debentures and the interest thereon;" A certain By-Law of the Township of Arran, passed by the Municipal Council thereof, on the ninth day of August, in the year of our Lord one thousand eight hundred and seventy-nine, and entitled, "A By-Law to aid and assist the Stratford and Huron Railway Company, by granting thereto the sum of five thousand dollars by way of bonus, and to issue debentures therefor, and to authorize the raising and levying of an annual sum by special rate for the payment of the said debentures and the interest thereon;" and a certain By-Law of the Township of Elderslie, passed by the Municipal Council thereof, on the seventh day of July, in the year of our Lord one thousand eight hundred and seventy-nine, and entitled, "A By-Law to aid and assist the Stratford and Huron Railway Company, by granting thereto the sum of ten thousand dollars by way of bonus, and to issue debentures therefor, and to authorize the raising and levying of an annual sum by a special rate for the payment of the said debentures and the interest thereon;" and all debentures issued, or to be issued, under each and every of such By-Laws, shall be and are hereby declared to be good, valid, legal, binding and effectual; and each of the said By-Laws shall be held to have been good, valid, legal, binding and effectual from the time of the passing thereof; any law usage or custom to the contrary notwithstanding.

Confirmation of by-laws granting leave to use highways.

12. A certain By-Law of the Township of Keppel, numbered , passed on the day of , one thousand eight hundred and and entitled

a certain By-Law of the Township of Amabel, numbered , passed on the day of one thousand eight hundred and , and entitled,

and a certain By-Law of the Township of Albemarle, numbered , passed on the day of one thousand eight hundred and , and entitled,

are hereby declared to be good, valid, legal, binding and effectual, and to have been so good, valid, legal, binding and effectual from the time of the passing thereof, any law usage or custom to the contrary notwithstanding.

No. 20.

1st Session, 4th Parliament, 43 Vic., 1880.

BILL.

An Act respecting the Stratford and Huron and the Port Dover and Lake Huron Railways.

First Reading, , 1880.

(PRIVATE BILL.)

Mr. HAY.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 20.] BILL. [1880.

An Act respecting the Stratford and Huron and the Port Dover and Lake Huron Railways Companies.

Preamble.

WHEREAS the Stratford and Huron Railway Company, and the Port Dover and Lake Huron Railway Company have, by their petition, prayed for certain amendments in the Acts relating to the said Railway Companies, and for certain additional powers and privileges, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpretation clause.

1. Unless the context shall require a different interpretation of the words hereby interpreted, the words, "The United Company," shall mean the one company and one corporation, by the corporate name assigned to it in an agreement mentioned in the eleventh section of an Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, and the Company purchasing the railway property and rights of the other Company, by the corporate name assigned to it in an agreement mentioned in the twelfth section of the last named Act, and the words, "two-thirds," shall mean two-thirds in value.

The priorities of first and second preference bonds not to be affected.

(1.) Nothing in this Act shall affect the rank, preference, or priority of the two classes of first and second preference bonds of the Stratford and Huron Railway Company, or of the Port Dover and Lake Huron Railway Company, or of the United Company, as the case may be, as between such two classes of bonds and the holders thereof; but each special lien by this Act attached to bonds declared to be "first and preferential claims and charges," shall be held and enjoyed by the holders thereof according to the rank, preference and priority of the said two classes of bonds.

35 Vic., c. 53, s. 26, amended.

2. Section twenty-six of the Act passed in the thirty-fifth year of the reign of Her Majesty Queen Victoria, and chaptered fifty-three, is hereby amended by striking out all that portion of the said section which precedes the words, "to enter," in the third line thereof, and substituting therefor the words following: "If at any special general meeting of the shareholders and bondholders of the said company called for that purpose, published and notified as prescribed by the provisions of the statutes affecting the said Company, relating to notices of meetings of shareholders, the majority in value of the votes of the members of such meeting, present in person or by proxy, consent thereto, it shall be lawful for the directors of the said Company;" and by striking out the words

"in the Province of Ontario, whose line may connect with such road," in the fourth and fifth lines of the said section, and substituting therefor, the words "or companies which is or are lawfully empowered to enter into such agreements."

The number of the votes of bondholders determined.

3. Wherever the holders of the bonds of either of the above mentioned Railway Companies or the United Company, are, by the Acts affecting the said companies, or either of them, or by this Act, entitled or allowed to vote at any meeting, each such holder of bonds shall have the number of votes to which he would be entitled if the amount of the bond or bonds he then holds, and upon which he is so entitled or allowed to vote, were an equal amount of the capital stock of such company.

Power to declare bonds of the S. and H. Ry. special liens on its Railway between Stratford and Wiarton, and in these places.

4. The directors of the Stratford and Huron Railway Company are hereby authorized and empowered, with the assent of two-thirds of the holders of each class of the bonds of the last named Company, at such time issued, by resolution to declare that any bonds authorized to be issued by the last named Company under and by virtue of the provisions of the eighth section of an Act passed in the forty-first year of the reign of Her Majesty Queen Victoria, chaptered fifty-four, whether issued before or after the passing of such resolution, and the bonds retained by the holders thereof, but forming part of the new issue, under the provisions of the said section eight, and not exceeding in the whole the sum of twelve thousand dollars per mile for each mile in length of the railway of the last named Company, in the Town of Stratford and the Village of Wiarton, and between the said Town and Village, shall form and be taken and considered to be the first and preferential claims and charges upon the undertaking and property of the last named Company, real and personal, and then existing, and at any time thereafter acquired, in the Town of Stratford and the Village of Wiarton, and between the said Town and Village, prior to and in preference of all other bonds theretofore or thereafter issued or to be issued by the last named Company.

Bonds mentioned in resolution shall, after passing thereof, form special lein on railway between Stratford and Wiarton.

5. Upon such resolution as mentioned in the last preceding section being passed by the said directors, after such assent as therein mentioned, the bonds of the last named Company mentioned in the said resolution and theretofore or thereafter issued under the provisions of section eight of the Act in the last preceding section mentioned, or retained by the holders thereof, but forming part of an issue thereunder, to the extent and amount mentioned in the said resolution, shall, in addition to the liens, claims, charges and encumbrances created and granted by the third, fourth and fifth sections of an Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, form and be taken and considered to be the first and preferential liens, claims and charges upon the undertaking and property of the last named Company, real and personal, and then existing, and at any time thereafter acquired, in the Town of Stratford and the Village of Wiarton, and between the said Town and Village; and each holder of said last mentioned bonds shall, in addition to all other powers, privileges and rights, be deemed to be a mortgagee and an encumbrancer, pro rata with all the other holders of said last

mentioned bonds, upon the undertaking and property of the last named Company, real and personal, and then existing and at any time thereafter acquired, in the Town of Stratford and the Village of Wiarton, and between the said Town and Village.

Declaring preferences between bonds resolution and others.

6. As between the bonds in the last preceding section mentioned and the holders thereof, and all other bonds which shall have been theretofore or shall thereafter be issued by the last named Company and the holders thereof, the bonds mentioned in the said resolution and issued under the provisions of the said section eight, or retained by the holders thereof, but forming part of an issue thereunder, shall take rank and priority and form encumbrances, charges and liens upon the undertaking and property of the last named Company, real and personal, and then existing, and at any time thereafter acquired, in the Town of Stratford and the Village of Wiarton, and between the said Town and Village, immediately before and prior to all other bonds which shall have been or shall be issued by the last named Company, and not equally or simultaneously with them or any of them: Provided always, that all special liens conferred under the provisions of any Acts affecting the last named Company, which shall have attached to any bonds issued before the passing of the resolution in this and the last preceding section mentioned, shall after the passing of such resolution, merge in the special lien by this section authorized to be conferred.

Proviso.

Power to declare bonds of United Company special liens on its railway between Port Dover and Wiarton, and in these places.

7. It shall be lawful for the directors of the United Company, at any time after the constitution of the United Company, with the assent of two-thirds of each class of the bondholders of the Stratford and Huron Railway Company, and of two-thirds of each class of bondholders of the Port Dover and Lake Huron Railway Company; or, if the bonds of the last mentioned Companies shall have been exchanged for bonds of the United Company, or have become under section nine of an Act passed in the forty-first year of the reign of Her Majesty Queen Victoria, chaptered fifty-four, part of a bond issue of the United Company, then, with the assent of two-thirds of each class of bondholders of the United Company, at any time, by resolution to declare that any bonds which shall have been authorized to be issued under section nine of an Act passed in the forty-first year of the reign of Her Majesty Queen Victoria, chaptered fifty-four, in substitution and exchange for outstanding bonds, and, whether issued before or after the passing of such resolution, shall be and form, in addition to the general liens, claims, charges and encumbrances created and granted by the statutes affecting each company or the United Company, the first and preferential claims, liens, charges and encumbrances upon the undertaking and property of the United Company, real and personal, and then existing or at any time thereafter acquired, in the Village of Port Dover and the Village of Wiarton, and between the said Villages, prior to and in preference of all other bonds thereafter to be issued by the United Company.

Bonds mentioned in resolution shall, after passing thereof, form

8. Upon such resolution as mentioned in the last preceding section being passed by the said directors, after such assent as aforesaid, the bonds of the United Company theretofore or thereafter issued under section nine of the last men-

special lien on railway between Port Dover and Wiarton.

tioned Act, in substitution or exchange for outstanding bonds, and the bonds retained, but, by the provisions of section nine of the last mentioned Act, forming part of the bond issue in substitution or exchange as aforesaid, in the said resolution mentioned, shall, in addition to the general liens, claims, charges and encumbrances created and granted by the statutes relating to either Company or the United Company, form and be taken and considered to be the first and preferential liens, claims, charges and encumbrances upon the undertaking and property of the United Company, real and personal, and then existing and at any time thereafter acquired, in the Village of Port Dover and the Village of Wiarton, and between the said Villages; and each holder of any of the bonds mentioned in the said resolution, shall, in addition to all other the general powers, privileges and rights by the statutes relating to either Company or the United Company conferred on bondholders, be deemed to be a mortgagee and an encumbrancer, pro rata with all the other holders of the said bonds mentioned in the said resolution, and issued in substitution or exchange for outstanding bonds under section nine of the last mentioned Act, and with the holders of the bonds retained, but, by the provisions of the said section nine, forming part of the bond issue in substitution or exchange as aforesaid, in the said resolution mentioned, upon the undertaking and property of the United Company, real and personal, and at the time of the passing of the said resolution existing, and at any time thereafter acquired, in the Village of Port Dover and the Village of Wiarton, and between the said Villages.

Declaring preferences between bonds mentioned in resolution and others.

9. As between the bonds mentioned in the resolution in the last preceding section mentioned, and issued in substitution or exchange, or retained by the holders, but forming part of the bond issue in substitution or exchange as therein mentioned, and the holders thereof, and all other bonds which shall have been theretofore or shall thereafter be issued by the United Company and the holders thereof, the bonds mentioned in the said resolution and so issued in substitution or exchange, or retained by the holders, but forming part of the bond issue in substitution or exchange as aforesaid, in the said resolution mentioned, shall take rank and priority and form encumbrances, charges and liens upon the undertaking and property of the United Company, real and personal, and at the time of passing the said resolution existing, and at any time thereafter acquired, in the Village of Port Dover and the Village of Wiarton, and between the said Villages, immediately before and prior to all other bonds which shall have been theretofore or shall thereafter be issued by the United Company, and not equally or simultaneously with them or any of them; Provided always, that all special liens conferred under the provisions of any Act affecting either Company or the United Company, which shall have attached to any bonds of either Company or of the United Company, issued before the passing of the resolution in this section mentioned, shall, after the passing of such resolution, merge in the special lien by this section authorized to be conferred.

Proviso.

Power to the Pt. D. & L.

10. It shall be lawful for the directors of the Port Dover and Lake Huron Railway Company at any time hereafter,

with the consent of two-thirds of the holders of each class of the bonds of the last named Company, at such time issued, to call in and cancel all the bonds of the last named Company then issued, and to issue therefor, and in the place and stead thereof, other bonds of the last named Company, payable at the place or places, at the time or times, and in the manner, and with such rate of interest as may be agreed on by the said two-thirds and directors; and, either to divide the bonds to be issued, after such calling in and cancellation, into the two classes of first and second preference bonds, or, allowing them, if of the said two classes, to remain of such classes, or consolidate them, if of the said two classes, into one of the said classes of bonds, and deliver to bondholders, where bonds have been so called in and cancelled, new bonds to the amount or amounts of the bonds so called in and cancelled, or to a greater or lesser amount, and of such of the said two classes, or all of the one class, as may be agreed on as aforesaid; and the last named Company shall cease to be liable upon the bonds so called in and cancelled as aforesaid where the holders thereof shall have delivered up the same to the said directors, and shall have received therefor, and in the place and stead thereof, such new bonds as shall have been agreed upon as aforesaid; and, where the same shall not have been delivered up to the said directors, the bonds so retained shall, until cancelled and exchanged, form and rank as part of the new bond issue under the sanction of the said agreement, to the extent or amount which, according to the terms of said agreement and as provided thereby, will be the equivalent of the bonds so retained; and, to that extent or amount, the holders of the bonds so retained shall hold the same precisely in all respects as if the bonds, so retained, had been exchanged for the said new bonds, authorized by the said agreement, and as if they held the said last mentioned bonds and no others; and shall have and claim no further, greater or other rights under and by virtue of the bonds so by them retained and held, than if they had accepted and received the new bonds, by the said two-thirds agreed to be substituted therefor; Provided always, that no new bonds, by this section authorized to be issued and delivered, shall be so issued or delivered except in substitution or exchange for bonds delivered up and cancelled as aforesaid; and, that in no case, shall the total bond issue exceed ten thousand dollars per mile for each mile in length of the railway; Provided also, and it is hereby declared to be the intention of this section, that the special powers to call in, cancel and exchange the bonds of the last named Company, by this section conferred on the directors and two-thirds of each class of bondholders in this section mentioned, shall only be exercised once. *The rights and powers given under this section shall not be exercised in case the powers given by this or any previous legislation to issue amalgamated bonds has been exercised.*

H. Ry. to cancel and exchange bonds.

Proviso.

Proviso.

11. Section fourteen of the Act passed in the forty-second year of the reign of Her Majesty Queen Victoria, and chaptered sixty-six, is hereby amended by inserting immediately before the word "thereafter," in the eighteenth and forty-second lines of the said section, the words, "theretofore or."

Sec. 14 of 52 Vic, c. 66, amended.

12. The Port Dover and Lake Huron Railway Company

Power to the Pt. D. and L.

H. Ry. Co. to erect and maintain snow fences.

shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty or of any corporation or person whatsoever, lying along the route or line of its railway, and to erect and maintain snow fences thereon; subject to the payment of such damages (if any) as may be thereafter established, in the manner provided by law in respect to such railway, to have been actually suffered; Provided always, that any such snow fences so erected shall be removed on or before the first day of April next following.

Proviso.

Confirmation of municipal by-laws granting aid by way of bonus.

13. A certain By-Law of the Township of Bentinck, passed by the Municipal Council thereof, on the second day of August, in the year of our Lord one thousand eight hundred and seventy-nine, and entitled "A By-Law to aid and assist the Stratford and Huron Railway Company, by granting thereto the sum of two thousand dollars by way of bonus, and to issue debentures therefor, and to authorize the raising and levying of an annual sum by special rate for the payment of the said debentures and the interest thereon;" a certain By-Law of the Township of Bentinck, passed by the Municipal Council thereof, on the second day of August, in the year of our Lord one thousand eight hundred and seventy-nine, and entitled, "A By-Law to aid and assist the Stratford and Huron Railway Company, by granting thereto the sum of eight thousand dollars by way of bonus, and to issue debentures therefor, and to authorize the raising and levying of an annual sum by a special rate for the payment of the said debentures and the interest thereon;" a certain By-Law of the Township of Amabel, passed by the Municipal Council thereof, on the eighteenth day of August, in the year of our Lord one thousand eight hundred and seventy-nine, and entitled, "A By-Law to aid and assist the Stratford and Huron Railway Company, by granting thereto the sum of three thousand dollars by way of bonus, and to issue debentures therefor, and to authorize the raising and levying of an annual sum by special rate, for the payment of the said debentures and the interest thereon;" a certain By-Law of the Township of Keppel, passed by the Municipal Council thereof, on the fifteenth day of August, in the year of our Lord one thousand eight hundred and seventy-nine, and entitled, "A By-Law to aid and assist the Stratford and Huron Railway Company, by granting thereto the sum of two thousand dollars by way of bonus, and to issue debentures therefor, and to authorize the raising and levying of an annual sum by special rate for the payment of the said debentures and the interest thereon;" A certain By-Law of the Township of Brant, passed by the Municipal Council thereof, on the twenty-second day of September, in the year of our Lord one thousand eight hundred and seventy-nine, and entitled, "A By-Law to aid and assist the Stratford and Huron Railway Company, by granting thereto the sum of five thousand dollars by way of bonus, and to issue debentures therefor, and to authorize the raising and levying of an annual sum by a special rate for the payment of the said debentures and the interest thereon;" A certain By-Law of the Township of Arran, passed by the Municipal Council thereof, on the ninth day of August, in the year of our Lord one thousand eight hundred and seventy-nine, and entitled, "A By-Law to aid and assist the Stratford and

Huron Railway Company, by granting thereto the sum of five thousand dollars by way of bonus, and to issue debentures therefor, and to authorize the raising and levying of an annual sum by special rate for the payment of the said debentures and the interest thereon;" and a certain By-Law of the Township of Elderslie, passed by the Municipal Council thereof, on the seventh day of July, in the year of our Lord one thousand eight hundred and seventy-nine, and entitled, "A By-Law to aid and assist the Stratford and Huron Railway Company, by granting thereto the sum of ten thousand dollars by way of bonus, and to issue debentures therefor, and to authorize the raising and levying of an annual sum by a special rate for the payment of the said debentures and the interest thereon;" and all debentures issued, or to be issued, under each and every of such By-Laws, shall be and are hereby declared to be good, valid, legal, binding and effectual; and each of the said By-Laws shall be held to have been good, valid, legal, binding and effectual from the time of the passing thereof; any law usage or custom to the contrary notwithstanding.

Power to construct branch to Walkerton.

14. The Stratford and Huron Railway Company is hereby empowered and authorized to construct a branch thereof, with all the works, stations and equipments thereof, from some point on the main line thereof in the county of Grey and Bruce, to the town of Walkerton in the county of Bruce; and the powers and privileges and rights by this section conferred shall be held, treated, construed and considered as if they had been conferred on the Stratford and Huron Railway Company by the original Act of incorporation thereof, and all Acts amending and affecting the same to the same extent and for all purposes as if they had actually been inserted therein and formed part thereof, *except the power to group municipalities or parts of municipalities together for obtaining or granting bonuses.*

Inconsistent enactments repealed.

15. All sections and parts of sections of the Acts of the Legislature heretofore passed in reference to either the Stratford and Huron Railway Company or the Port Dover and Lake Huron Railway Company inconsistent with this Act are hereby repealed.

Lien of North Norwich preserved.

16. Nothing in this Act contained shall impair or affect the special lien of the corporation of the Township of North Norwich under the twenty-sixth section of the Act passed in the thirty-seventh year of the reign of Her Majesty Queen Victoria, and chaptered fifty-seven.

No. 20.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting the Stratford and Huron, and the Port Dover and Lake Huron Railways.

(Reprinted as Amended.)

1st Reading, 21st January, 1880.

(PRIVATE BILL.)

Mr. HAY.

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET.

No. 21.] **BILL.** [1880.

An Act respecting the Sisters of Saint Joseph of the Roman Catholic Diocese of Hamilton.

Preamble.

WHEREAS "The Sisters of Saint Joseph, of the diocese of Hamilton," have by their petition set forth that they were incorporated under the provisions of Chapter one hundred and sixty-seven of the Revised Statutes of Ontario, and have established an institution in the Roman Catholic diocese of Hamilton, for the reception and instruction of orphans, and have opened an asylum for the relief of the poor, the sick, and other necessitous; that certain lands hereinafter described have been purchased for the said corporation by a priest of the diocese of Hamilton, aforesaid, who has caused and procured a conveyance of the said lands to be made to the said corporation; that the said lands exceed in yearly or annual value the amount authorized to be taken and held by the said corporation under section thirteen of the said Act, but are less in value than the amount authorized to be taken and held by section twelve of the said Act; that the said lands and property were not acquired by the said corporation for any purposes of profit, but solely for the objects of the said corporation and the uses thereof; and whereas the said corporation have by their petition aforesaid prayed that their title to said lands may be confirmed, and that they may be permitted and allowed to hold the said property free from the restrictions imposed by the thirteenth section of the said Act, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Limitation as to value of land acquired by gift or devise.

1. It shall be lawful for "The Sisters of Saint Joseph, of the diocese of Hamilton," from time to time to take by gift, devise, or bequest, any lands or tenements, or any interests therein, under and subject to the provisions of the thirteenth section of chapter one hundred and sixty-seven of the Revised Statutes of Ontario, the annual value of which does not, together with other lands and tenements, acquired in like manner, exceed in the whole at any one time five thousand dollars; and shall and may have, hold and possess the same so long as the same shall be required for the actual use or occupation of the said corporation, or for the purposes thereof, free from any restriction or requirement as to sale, disposal, or otherwise, imposed by or under the said thirteenth section of the said Act.

Conveyance of certain lands confirmed.

2. The conveyance of lot lettered F in the plan or survey of lots numbers fifty-one and fifty-two, in the first concession of the township of Ancaster, as laid out by F. H. Lynch

Staunton, P.L.S., for B. B. Osler, Esquire, from the trustees of the "Star Life Assurance Company, of London, England," to the "Roman Catholic Episcopal corporation of the diocese of Hamilton, in Ontario," and the conveyance of the said lands from the said "Roman Catholic Episcopal corporation of the diocese of Hamilton, in Ontario," to the said "The Sisters of Saint Joseph, of the diocese of Hamilton," are and each of them is hereby confirmed; and the said lands are hereby vested in the said "The Sisters of Saint Joseph, of the diocese of Hamilton," in as full and ample a manner as if the said "Sisters of Saint Joseph, of the diocese of Hamilton," had been the purchasers thereof, and the said lands shall and may be held, possessed, and enjoyed by the said "Sisters of Saint Joseph, of the diocese of Hamilton," so long as the same shall be required, used, and occupied for the uses and purposes of the said last mentioned corporation.

Power to apprentice children.

3. The said "Sisters of Saint Joseph, of the diocese of Hamilton," shall have full power and authority to apprentice or bind out to any healthy trade, business, or occupation, the children received into the said institution, and shall have and may exercise over and with respect to them the same powers, rights, and authority as their parents if living would and might have, and exercise.

Incorporation under R. S. O., c. 167, confirmed.

4. The incorporation of the said "Sisters of Saint Joseph, of the diocese of Hamilton," under the said Act, chapter one hundred and sixty-seven, of the Revised Statutes of Ontario, is hereby validated and confirmed.

No. 21.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting the Sisters of Saint Joseph of the Roman Catholic Diocese of Hamilton.

1st Reading, , 1880.

(PRIVATE BILL.)

Mr. GIBSON, (*Hamilton*).

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

No. 21.] BILL. [1880.

An Act respecting the Sisters of Saint Joseph of the Roman Catholic Diocese of Hamilton.

Preamble.

WHEREAS "The Sisters of Saint Joseph, of the diocese of Hamilton," have by their petition set forth that they were incorporated under the provisions of Chapter one hundred and sixty-seven of the Revised Statutes of Ontario, and have established an institution in the Roman Catholic diocese of Hamilton, for the reception and instruction of orphans, and have opened an asylum for the relief of the poor, the sick, and other necessitous; that certain lands hereinafter described have been purchased for the said corporation by a priest of the diocese of Hamilton, aforesaid, who has caused and procured a conveyance of the said lands to be made to the said corporation; that the said lands exceed in yearly or annual value the amount authorized to be taken and held by the said corporation under section thirteen of the said Act, but are less in value than the amount authorized to be taken and held by section twelve of the said Act; that the said lands and property were not acquired by the said corporation for any purposes of profit, but solely for the objects of the said corporation and the uses thereof; and whereas the said corporation have by their petition aforesaid prayed that their title to said lands may be confirmed, and that they may be permitted and allowed to hold the said property free from the restrictions imposed by the thirteenth section of the said Act, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Conveyance of certain lands confirmed.

1. The conveyance of lot lettered F in the plan or survey of lots numbers fifty-one and fifty-two, in the first concession of the township of Ancaster, as laid out by F. H. Lynch Staunton, P.L.S., for B. B. Osler, Esquire, from the trustees of the "Star Life Assurance Company, of London, England," to the "Roman Catholic Episcopal corporation of the diocese of Hamilton, in Ontario," and the conveyance of the said lands from the said "Roman Catholic Episcopal corporation of the diocese of Hamilton, in Ontario," to the said "The Sisters of Saint Joseph, of the diocese of Hamilton," are and each of them is hereby confirmed; and the said lands are hereby vested in the said "The Sisters of Saint Joseph, of the diocese of Hamilton," in as full and ample a manner as if the said "Sisters of Saint Joseph, of the diocese of Hamilton," had been the purchasers thereof, and the said lands shall and may be held, possessed, and enjoyed by the said "Sisters of Saint Joseph, of the diocese of Hamil-

ton," so long as the same shall be required, used, and occupied for the uses and purposes of the said last mentioned corporation.

Power to apprentice children.

2. The said "Sisters of Saint Joseph, of the diocese of Hamilton," shall have full power and authority to apprentice or bind out to any healthy trade, business, or occupation, the children received into the said institution, and shall have and may exercise over and with respect to them the same powers, rights, and authority as their parents if living would and might have, and exercise.

No. 21.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting the Sisters of Saint Joseph of the Roman Catholic Diocese of Hamilton.

(Reprinted as amended.)

1st Reading, 20th January, 1880.

(PRIVATE BILL.)

Mr. GIBSON, *(Hamilton.)*

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 22.] **BILL.** [1880.

An Act respecting the construction of a Branch of the Belleville and North Hastings Railway to the Village of Tweed.

Preamble.

WHEREAS the Corporation of the Township of Hungerford desire to have a branch line of Railway constructed from some point on the line of the Belleville and North Hastings Railway to the village of Tweed in said Township; and whereas the said Corporation by their petition have prayed that they may be granted power to enter into arrangements with the owners of said Railway for the construction of said branch and for the working of said line; and whereas the said Corporation, by their said petition have also prayed for power to construct the said branch, and prepare the same for the rails, the said owners agreeing to provide the rails and complete and work the Railway, or for power to make such agreement in the premises as may be necessary to accomplish the purpose in view; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Corporation of Hungerford authorized to survey and grade line.

Proviso.

1. It shall be lawful for the corporation of the Township of Hungerford to cause to be surveyed a branch line of railway from some point in the Village of Tweed, to some point on the line of the Belleville and North Hastings Railway, and to grade and fit the same in all respects for the rails: Provided however, that the whole amount to be expended by said Corporation, shall not exceed the sum granted by way of bonus by said corporation towards the construction of said branch railway.

Corporation authorized to agree with the B. & N. H. Ry. for performance of said work.

2. It shall be lawful for the said Corporation to enter into arrangements with the owners of the Belleville and North Hastings Railway, or with the Belleville and North Hastings Railway Company, for the doing of the said work, paying them the said sum towards the completion of the said branch, and for the working of the said branch in such manner and on such terms and conditions as may be agreed upon; and the said Railway Company and the owners thereof are hereby respectively authorized to enter into such agreement, and to do all acts and things necessary to give the same effect.

Powers as to taking land.

3. If the lands required for the said branch are obtained by the said Township Corporation, or by the said Belleville and North Hastings Railway, or the said owners thereof, in each

and every such case, or whichever way it shall be, the party doing the work shall have all the powers contained in the Railway Act of Ontario, for all purposes connected therewith.

Time for giving bond.

4. The bond which it is stipulated in the by-law granting aid to said branch shall be given as in said by-law mentioned, may be given at any time before the expiration of six months from the passing of this Act.

No. 22.

1st Session, 4th Parliament, 43 Vic., 1880.

BILL.

An Act respecting the construction of a Branch of the Belleville and North Hastings Railway to the Village of Tweed.

1st Reading, , 1880.

(PRIVATE BILL.)

Mr. APPLEBY.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 22.] **BILL.** [1880

An Act respecting the construction of a Branch of the Belleville and North Hastings Railway to the Village of Tweed.

Preamble.

WHEREAS the Corporation of the Township of Hungerford desire to have a branch line of Railway constructed from some point on the line of the Belleville and North Hastings Railway to the village of Tweed in said Township; and whereas the said Corporation by their petition have prayed that they may be granted power to enter into arrangements with *the Belleville and North Hastings Railway Company* for the construction of said branch and for the working of said line; and whereas the said Corporation, by their said petition have also prayed for power to construct the said branch, and prepare the same for the rails, the said *Belleville and North Hastings Railway Company* agreeing to provide the rails and complete and work the Railway, or for power to make such agreement in the premises as may be necessary to accomplish the purpose in view; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Corporation of Hungerford authorized to survey and grade line.

Proviso.

1. It shall be lawful for the corporation of the Township of Hungerford to cause to be surveyed a branch line of railway from some point in the Village of Tweed, to some point on the line of the Belleville and North Hastings Railway, and to grade and fit the same in all respects for the rails: Provided however, that the whole amount to be expended by said Corporation, shall not exceed the sum granted by way of bonus by said corporation towards the construction of said branch railway.

Corporation authorized to agree with the B. & N. H. Ry. for performance of said work.

2. It shall be lawful for the said Corporation to enter into arrangements with the Belleville and North Hastings Railway Company, for the doing of the said work, paying them the said sum towards the completion of the said branch, and for the working of the said branch in such manner and on such terms and conditions as may be agreed upon; and the said Railway Company *is* hereby authorized to enter into such agreement, and to do all acts and things necessary to give the same effect.

Powers as to taking land.

3. If the lands required for the said branch are obtained by the said Township Corporation, or by the said Belleville and North Hastings Railway *Company*, in each and every such

case, or whichever way it shall be, the party doing the work *and working the said branch* shall have all the powers *and be subject to all the liabilities* contained in the Railway Act of Ontario, for all purposes connected therewith.

Time for giving bond.

4. The bond which it is stipulated in the by-law granting aid to said branch shall be given as in said by-law mentioned, may be given at any time before the expiration of *one year* from the passing of this Act.

By-law of Township of Hungerford confirmed.

5. The by-law of the Corporation of the Township of Hungerford, entitled "A By-law to provide for aiding and assisting the building of a branch line of railway from the Village of Tweed, in the Township of Hungerford, to some point on the line of the Bellville and North Hastings Railway, by granting thereto the sum of ten thousand dollars, by way of bonus, in debentures of the Township of Hungerford, and to authorize the levying of a special rate for the payment of the said debentures and interest," is hereby declared to be legal and valid to all intents and purposes whatsoever.

Extension of time limited in By-law.

6. The Township Council of said Township may have power from time to time to extend the time mentioned in said by-law for the commencement and completion of said branch as they may think proper.

No. 22.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting the construction of a Branch of the Belleville and North Hastings Railway to the Village of Tweed.

(Reprinted as Amended.)

First Reading, 28th January, 1880.

(PRIVATE BILL.)

MR. APPLEBY.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

No. 23.] **BILL.** [1880.

An Act respecting the Toronto and Ottawa Railway Company.

Preamble.

WHEREAS the Toronto and Ottawa Railway Company have, by their petition, prayed for an Act consolidating and amending the several Acts relating to the Toronto and Ottawa Railway Company, formerly the Huron and Quebec Railway Company, and for the extension of time for the commencement and completion of their proposed road, and for the legalization of certain by-laws granting aid, by way of bonus, to the said company, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rights vested in shareholders.

1. All the rights, powers and privileges intended to be vested in the Toronto and Ottawa Railway Company, under the several statutes passed by the Legislature of the Province of Ontario, relating to said company, are hereby declared to be vested in the shareholders of the said company, under the name of "The Toronto and Ottawa Railway Company."

Existing contracts not affected.

2. All contracts made heretofore by or with the said company, and which are now legal and subsisting, and all the rights and liabilities of and against the said company, shall continue in all respects binding upon, and in favour of, the said company, and shall not be altered or affected by any provision of this Act.

Acts done to be considered as done under this Act.

3. All purchases made, deeds taken, proceedings had, and acts done, in the location and construction of said railway, by the said company, shall be held and taken to have been had and done under this Act.

Directors continued in office.

4. The present directors of the said company, that is to say, shall continue in office, and shall, with the *ex officio* directors hereinafter mentioned, be the directors of the said company, until the next annual election to be holden under this Act, and until their successors be duly elected.

Calls, &c., confirmed.

5. All calls made and acts heretofore done under the said Acts in the first section of this Act mentioned, by the directors of the company, and otherwise legally made or done, are hereby declared to have been made and done by a lawfully constituted Board of Directors, and are hereby confirmed, and the same shall, notwithstanding the passing of this Act, continue and be

binding on all persons who are now liable therefor, and any call made and act done by said directors shall be taken to have been made and done under the said Acts.

Certain clauses of R. S. O. c. 165, incorporated.

6. The several clauses of the Railway Act of Ontario and amendments thereto, and also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares, and their transfer," "municipalities," "shareholders," "actions for indemnity, and fines and penalties, and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions" shall be incorporated with, and deemed to be a part of, this Act, and shall apply to the said company, and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

Location of line.

7. The said company shall have full power, under this Act, to construct a railway from any point in the city of Toronto to some point in the city of Ottawa, by way of the town of Peterborough.

Gauge.

8. The said railway shall be of the gauge of four feet and eight and one-half inches.

Agreements with other railways.

9. It shall be lawful for the said company to enter into any agreement with any other railway in the Province of Ontario for leasing the said railway, or any part thereof, to such other company, or for leasing or hiring from such other company any railway or any part thereof, or for leasing or hiring locomotives or other rolling stock, and generally to make any agreement or agreements with any such other company touching the use, by one or the other, or by both companies, of the railway or moveable property of either, or of both, or of any part thereof; or touching any service to be rendered by one company to the other, and the compensation therefor, and any such agreement shall be valid and binding, and shall be enforced by courts of law, according to the terms and tenor thereof; and any company or individual accepting and executing such lease or agreement, shall be and is hereby empowered to exercise all the rights, powers and privileges in this Act conferred: Provided, the said leases, agreement or agreements, have been first respectively sanctioned at special general meetings of the shareholders, called for the purpose of considering the same respectively, under the provisions of the Railway Act, and then by a vote to that end of two thirds of the shareholders present, either in person or by proxy.

Proviso.

Form of conveyances.

10. Conveyances of land to the said company for the purposes of and powers given by this Act may be in the form set out in the schedule "A" hereunder written, or to the like effect, and shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in such man-

ner and upon such proof of execution as is required under the Registry Laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Power to exclude persons from subscribing for stock in discretion of directors.

11. The directors, to be elected as hereinafter mentioned, may, in their discretion, exclude any person from subscribing for stock who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time more than the whole stock shall have been subscribed, the said board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, this will best secure the building of the said railway.

Capital.

12. The capital of the company hereby incorporated shall be three hundred thousand dollars (with power to increase the same in the manner provided by the Railway Act), to be divided into three thousand shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment and completion of the said railway, and the other purposes of this Act; and until such preliminary expenses shall be paid out of the said capital stock, the municipality of any city, county, town, township or village on the line of such works, may pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock.

Payment at time of subscription.

13. On the subscription for shares of the said capital stock each subscriber shall pay ten per centum of the amount subscribed by him into some chartered bank to be designated by the directors, to the credit of the said company.

Calls.

14. Thereafter calls may be made by the directors for the time being as they shall see fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber, and at intervals of not less than thirty days.

Meeting for election of directors.

15. As soon as shares to the amount of one hundred thousand dollars of the capital stock of the said company shall have been subscribed, and ten per centum thereof paid into some chartered bank, having an office in the Town of Peterborough, which on no account shall be withdrawn therefrom unless for the service of the company, the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum thereof, for the purpose of electing directors to the said company.

Payment in anticipation of calls.

16. It shall be lawful for the provisional or elected directors to accept payment in full for stock from any subscriber thereof at the time of subscription thereof, or at any time before the making of a final call thereon, and to allow such percentage or discount thereon as they may deem expedient and reasonable, and thereupon to issue to each subscriber scrip to the full amount of such stock subscribed.

Place and time of holding general meetings.

17. The general annual meetings and special meetings of the shareholders of the said company shall be held in such place and on such days and on such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least two weeks previously in the *Ontario Gazette*, and in one local newspaper published at Toronto, Ottawa and Peterborough respectively, and such notices shall be continued once in each week until after the day of meeting.

Votes.

18. Every shareholder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock upon which such shareholder seeks to vote, shall have been paid up at least one week before the day appointed for such meeting.

Representation of stock of corporations.

19. At all meetings of the company the stock held by municipal and other corporations may be represented by such person as they shall respectively have appointed in that behalf by by-law; and such person shall at such meeting be entitled equally with other shareholders to vote by proxy.

Qualification of directors.

20. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls due thereon.

Quorum.

21. Any meeting of the directors of the said company, regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors.

Aid to company.

22. The said company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway, by way of bonus, gift, or loan, in money or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Aid from municipalities.

23. Any municipal corporation, or any portion of a municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass, or be situate, may aid the said company by giving money or debentures, by way of bonus, gift, or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained, which are to be taken as applicable thereto instead of sections four hundred and seventy-two, four hundred and seventy-three, and four hundred and seventy-four of the

Municipal Act: Provided always that no such aid shall be given except after the passing of a by-law for the purpose and the adoption of such by-law by the qualified ratepayers of the municipality, or portion of municipality (as the case may be), as provided in the Municipal Act for the creation of debts. Proviso.

24. Such by-laws shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:— Provisions as to bonus by-laws.

1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;

(2). In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of twenty resident freeholders in each of the minor municipalities of the county who are qualified voters under the Municipal Act;

(3). In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of twenty resident freeholders, being duly qualified voters as aforesaid;

(4). In the case of two or more minor municipalities, or sections of two or more such municipalities, or of two or more such municipalities with a section or sections of one or more minor municipalities, forming part of a county municipality, the petition is to be presented to the county council, describing the portions to be grouped, and defining any section by metes and bounds, or lots and concessions, and shall be that of a majority of each of the councils of such minor municipalities respectively, or of twenty resident freeholders in each of the said minor municipalities or sections proposed to be grouped, being duly qualified voters as aforesaid.

25. Where a portion of the county municipality petitions to aid the railway, it shall be such portion only as shall consist of two or more minor municipalities or sections thereof, through which the line of railway is to be constructed, or which will be benefited thereby, and such minor municipalities and sections thereof shall lie contiguous; but no minor municipality or section thereof, which is subject to a county or other by-law in aid of the same railway, shall be thus grouped without the consent of the majority of the duly qualified voters therein expressed to that end, when voting upon the proposed by-law. Grouping minor municipalities.

26. In case of aid from a county municipality or from a grouped portion thereof, twenty resident freeholders of the county or portion comprised in the proposed by-law (as the case may be) may petition the county council against submitting the said by-law upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the Treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the Judge of the County Court, one being the Registrar of the county or of the riding in which the county Provisions for referring to arbitration disputes as to bonus by-laws.

town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom; and the decision of any two of them shall be final; and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

Rate to be levied on portion of county grouped.

27. In the case of a portion of the county municipality being formed into a group, the by-law to be submitted shall be that of the county, but the rate to be levied for payment of the debentures issued thereunder and the interest thereon, shall be assessed and levied upon such portions only of the county municipality, and the voting thereon shall be limited to the duly qualified voters in such portions only.

Deposit for expenses.

28. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

"Minor Municipality," meaning of.

29. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality.

Rate not exceeding three cents in the dollar valid.

30. All municipalities or portions thereof interested in the construction of the proposed road of the said company, may grant aid by way of bonus to the said company, towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipalities or portions thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates than three cents in the dollar upon the value of the ratable property therein.

Proviso.

By-law, what to contain.

31. Such by-law shall in each instance provide:—

(1.) For raising the amount petitioned for in the municipality or portions of the county municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law;

(2.) For assessing and levying upon all ratable property lying within the municipality or portions of the county municipality defined in said by-law (as the case may be), an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, or by equal annual instalments of principal and interest, which debentures the respective municipal councils, warden, reeves and other officers thereof, are hereby authorized to execute and issue in such

cases respectively; provided that in case the sum raised under the authority of such by-law is invested in the capital stock or bonds of the railway company or loaned thereon, the council of the municipality holding such stock or bonds may sell and dispose of the same or any part thereof, and shall in such case apply the moneys received therefor in payment of the said debentures and interest. Proviso.

32. In case the by-law submitted is not approved of, no other by-law which is in substance the same shall be submitted to the voters of the same municipality or portion of the county municipality until after the expiration of six months from such rejection. By-law rejected, not to be submitted again for six months.

33. In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same. If by-law carried, council to pass same;

34. Within one month after the passing of such a by-law, the said council and the warden, reeve, or other officers thereof shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law and otherwise act according to the terms thereof. and issue debentures.

35. The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company and give in exchange therefor to the said township a like amount of debentures of the said county on a resolution to that effect being passed by the county council, but the township municipality shall in each case keep the county municipality fully indemnified against any rate or liability in respect of said debentures. Exchange of debentures.

36. Whenever any municipality or portion of a county municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after passing of the by-law authorizing the same be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario: Provided, that if the said council shall refuse or neglect to name such trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council with the consent of the company; and in case any trustee die or resign his trust, or go to live out of Ontario or otherwise become incapable to act his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council with the consent of said company. Trustees of debentures. Proviso.

37. The said trustees shall receive the said debentures or bonds in trust: Firstly, under the directions of the company, Trusts of debentures.

but subject to the conditions of the by-law in relation thereto as to time and manner, to convert the same into money: Secondly, to deposit the amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of the "Toronto and Ottawa Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company become entitled thereto under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being, which certificate is to be attached to the cheque drawn by the said trustees for such payments, and such engineer shall not wrongfully grant any such certificate, under a penalty of five hundred dollars, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees to trustees.

38. The trustees shall be entitled to their reasonable fees and charges from said trust fund; and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Municipalities authorized to grant land.

39. Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company any lands belonging to such municipality which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government or any person or body, politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Exemption from or agreement as to taxes.

40. It shall further be lawful for the council of any municipality, in which any part of the railway of the company is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation and for such term of years as such municipal corporation may deem expedient not exceeding twenty-one years; and any such by-law shall not be repealed unless in conformity with a condition contained therein.

Extension of time for completion.

41. It shall and may be lawful for the council of any municipality that may grant, or that may have granted, a bonus to the company (and they shall have full power) to extend the time for completion of the works, on the completion of which the said company would be entitled to such bonus.

Extension of time for commencement.

42. The councils of all corporations that, or any portion of which, have heretofore granted, or may hereafter grant aid by way of bonus to the said company, may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time: Provided, that no such extension shall be for a longer period than one year.

Proviso.

Payment of costs of by-

43. It shall be lawful for the council of any township, town, or county municipality interested in the said road (extension,

branches, or any of them), and without complying with the requirements of any Act providing for the creation of debts by municipal corporations, on behalf of such township or county municipalities, to bear all or part of the costs, charges and expenses of, and incidental to, the submission of any by-law to the said qualified voters for granting a bonus to the said company, or may give the said company a bonus on account of such costs, charges and expenses: Provided always, that no one such bonus shall exceed five thousand dollars. By-law by municipalities. Proviso.

44. Whenever any municipality, or portion of a municipality, shall aid, loan, guarantee, or give money or bonds, by way of bonus, to aid the making, equipment, and completion of said road (extension and branches), or any part or parts thereof, it shall be lawful for the said company to enter into a valid agreement with any such municipality, binding the said company to expend the whole of such aid so given upon works of construction within the limit of the municipality granting the same. Agreements as to expenditure of bonus.

45. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting, to be called from time to time for such purpose, shall have power to issue bonds to any amount not exceeding fifteen thousand dollars per mile of railway, to be signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be first and preferential claims and charges upon the said undertaking and the property of the company, real and personal, then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata*, with all the other holders thereof, upon the undertaking and the property of the company as aforesaid: And provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders: provided that the bonds, and any transfers thereof, shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same, on being required to do so by any holder thereof. Issue of bonds by company. Proviso. Proviso

46. The said company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than one hundred dollars, and any such promissory note, made or endorsed by the president or vice-president of the company and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said company affixed to such promissory Promissory notes.

note or bill of exchange, nor shall the president or vice-president, or secretary and treasurer, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors, as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Proviso.

Acquiring stone, gravel, &c.

47. Where stone, gravel, or any other material is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award, and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway; and all the provisions of the Railway Act, as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject-matter of this section, and to the obtaining materials aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which the said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to gravel pits, &c.

48. When the said gravel, stone, or other materials, shall be taken, under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said materials shall be found, whatever the distance may be, and all the provisions of the Railway Act and of the special Acts relating to the said company, except such as relate to filing plans and publication of notice shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Acquiring whole lots where less would suffice.

49. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, sidings, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and

convey the same or part thereof, from time to time, as they may deem expedient.

Power of municipalities to subscribe for stock.

50. Nothing in this Act shall prevent any municipality from subscribing for stock of the company pursuant to the Railway Act or Municipal Act.

Telegraph lines.

51. For the purpose of constructing, working and protecting the telegraph lines constructed by the company under this Act on their line of railway, the powers conferred on telegraph companies by the Act respecting Electric Telegraph Companies, are hereby conferred upon the company, and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

Payment for right of way, &c., in stock or bonds.

52. It shall be competent for the board of directors of the company, with the sanction and authority of the shareholders, to issue, as paid up stock in the said company, whether now subscribed for or not, and allot and pay such stock and mortgage bonds of the company in payment of rights of way, plant, rolling stock or material of any kind, and also for the services of contractors, engineers and other persons, whether directors of the company or otherwise, who may have been, are or may be engaged in and about the prosecution of the proposed undertaking: Provided that no such stock or bonds shall be allotted to any director or directors of the said company until the resolution authorizing the same shall have been made or confirmed at a meeting of the shareholders of the company.

Proviso.

Contracts for construction.

53. It shall be lawful for the directors to enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the line or any part thereof, including or excluding the purchase of right of way, and to pay therefor, either in cash or bonds, or in paid up stock, or otherwise, as may be deemed expedient, notwithstanding that one or more of such contractors may be shareholders or directors in the company; provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present in person or by proxy at a meeting specially convened for considering the same.

Proviso.

All provisions of former Acts continued when not inconsistent with this Act.

54. All and singular the clauses and provisions of the said several acts relating to the incorporation of the said Company that may not have been hereby consolidated, shall nevertheless continue and remain in force, except in so far as the same may be inconsistent with the provisions of this Act.

Time of commencement and completion extended.

55. The time for the commencement of the said proposed road is hereby extended until the first day of May, one thousand eight hundred and eighty-two, and for the completion thereof until the first day of December, one thousand eight hundred and eighty-seven, but nevertheless such extension of time shall not affect or prejudice any of the conditions of any by-law now or hereafter passed granting aid by way of bonus to the said company.

By-laws confirmed.

56. The several municipal by-laws hereinafter mentioned and set forth granting aid by way of bonus to the said company

are hereby declared legal, valid, and binding, notwithstanding any defects of form or substance therein or in relation to the passing thereof, that is to say :—

The by-law of the corporation of the county of Peterborough, granting aid, by way of bonus, to the said company, to the amount of one hundred and fifty thousand dollars, and finally passed on the eleventh day of November, one thousand eight hundred and seventy-five ; a by-law of the corporation of the town of Peterborough granting aid, by way of bonus, to the said company, to the amount of one hundred and fifty thousand dollars, and finally passed on the ninth day of November, one thousand eight hundred and seventy-five ; a by-law of the corporation of the village of Port Perry granting aid to the said company, by way of bonus, to the amount of five thousand dollars, and finally passed on the sixth day of August, one thousand eight hundred and seventy-seven ; a by-law of the corporation of the township of Cartwright granting aid, by way of bonus, to the said company, to the amount of twenty thousand dollars, and which came into force on the thirty-first day of December, in the year of our Lord one thousand eight hundred and seventy-eight ; a by-law of the corporation of the township of Manvers granting aid to the said company, to the amount of thirty thousand dollars, and finally passed on the twenty-seventh day of August, one thousand eight hundred and seventy-seven ; a by-law of the corporation of the town of Perth, granting aid, by way of bonus, to the said company, to the amount of seventy-five thousand dollars, and finally passed on the thirtieth day of May, one thousand eight hundred and seventy-seven ; a by-law of the corporation of the village of Lanark, granting aid, by way of bonus, to the said company, to the amount of ten thousand dollars, and finally passed on the seventh day of July, one thousand eight hundred and seventy-seven ; a by-law of the corporation of the city of Ottawa, granting aid, by way of bonus, to the said company, to the amount of two hundred thousand dollars, and finally passed on the day of one thousand eight hundred and seventy-nine ; a by-law of that part of the municipality of the county of Lanark comprised in the townships of Sherbrooke South, Burgess North, Elmsley North, Bathurst, Drummond, and that part of the township of Beckwith south of the ninth concession line, and that part of the township of Montague north of the eighth concession line, granting aid, by way of bonus, to the said company, to the amount of seventy-five thousand dollars ; the by-law of the corporation of the county of Ontario, granting aid to the said company, by way of bonus, to the amount of ninety thousand dollars, and finally passed on the first day of August, one thousand eight hundred and seventy-seven ; a by-law of the corporation of the village of Madoc, granting aid, by way of bonus, to the said company to the amount of five thousand dollars, and finally passed on the day of one thousand eight hundred and seventy-nine ; a by-law of the corporation of the village of Marmora granting aid, by way of bonus, to the said company, to the amount of ten thousand dollars, and finally passed on the day of one thousand eight hundred and seventy-nine ; a by-law of the corporation of the township of Madoc granting aid, by way of bonus, to the said company, to the amount of ten thousand thousand dollars, and finally passed on the day of

one thousand eight hundred and seventy-nine; a by-law of the corporation of the township of Elzever granting aid, by way of bonus, to the said company, to the amount of twelve thousand dollars, and finally passed on the day of one thousand eight hundred and seventy-nine; a by-law of the corporation of the township of Kaladar granting aid, by way of bonus, to the said company, to the amount of eight thousand dollars, and finally passed on the day of one thousand eight hundred and seventy-nine; a by-law of the corporation of the township of Olden granting aid, by way of bonus, to the said company, to the amount of twelve thousand dollars, and finally passed on the day of one thousand eight hundred and seventy-nine.

SCHEDULE "A."

(*Section* 10.)

Know all men by these presents that I (*or* we) (*insert names, residences and occupations of the vendors*) in consideration of dollars paid to me (*or* us) by "The Toronto and Ottawa Railway Company," do grant, convey and release unto the said company all that (*or* those) certain parcel or tract of land and premises, situate (*insert description of property*), the same having been selected by the said company for the purposes of their said railway, to hold the same unto the said "The Toronto and Ottawa Railway Company," their successors and assigns, and to their use for ever (*or, as the case may be*) (*here insert any other clauses, covenants or conditions required*), and I (*or* we) the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of , A.D. 18 .

Signed, sealed and delivered in the presence of } [L.S.]

No. 23.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting the Toronto and Ottawa Railway.

1st Reading, , 1880.

(*PRIVATE BILL.*)

Mr. SCOTT.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 23.] BILL. [1880.

An Act respecting the Toronto and Ottawa Railway Company.

Preamble.

WHEREAS the Toronto and Ottawa Railway Company have, by their petition, prayed for an Act consolidating and amending the several Acts relating to the Toronto and Ottawa Railway Company, formerly the Huron and Quebec Railway Company, and for the extension of time for the commencement and completion of their proposed road, and for the legalization of certain by-laws granting aid, by way of bonus, to the said company, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rights vested in shareholders.

1. All the rights, powers and privileges intended to be vested in the Toronto and Ottawa Railway Company, under the several statutes passed by the Legislature of the Province of Ontario, relating to said company, are hereby declared to be vested in the shareholders of the said company, under the name of "The Toronto and Ottawa Railway Company."

Existing contracts not affected.

2. All contracts made heretofore by or with the said company, and which are now legal and subsisting, and all the rights and liabilities of and against the said company, shall continue in all respects binding upon, and in favour of, the said company, and shall not be altered or affected by any provision of this Act.

Acts done to be considered as done under this Act.

3. All purchases made, deeds taken, proceedings had, and acts done, in the location and construction of said railway, by the said company, shall be held and taken to have been had and done under this Act.

Directors continued in office.

4. The present directors of the said company, shall continue in office, and shall, with the *ex officio* directors be the directors of the said company, until the election to be holden under this Act, and until their successors be duly elected.

Calls, &c., confirmed.

5. All calls made and acts heretofore done under the said Acts in the first section of this Act mentioned, by the directors of the company, and otherwise legally made or done, are hereby declared to have been made and done by a lawfully constituted Board of Directors, and are hereby confirmed, and the same shall, notwithstanding the passing of this Act, continue and be binding on all persons who are now liable therefor, and any call made and act done by said directors shall be taken to have been made and done under the said Acts.

Certain clauses of R. S. O. c. 165, incorporated.

6. The several clauses of the Railway Act of Ontario and amendments thereto, and also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares, and their transfer," "municipalities," "shareholders," "actions for indemnity, and fines and penalties, and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions" shall be incorporated with, and deemed to be a part of, this Act, and shall apply to the said company, and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

Location of line.

7. The said company shall have full power, under this Act, to construct a railway from any point in *or near* the city of Toronto to some point in the city of Ottawa, by way of the town of Peterborough.

Gauge.

8. The said railway shall be of the gauge of four feet and eight and one-half inches.

Agreements with other railways.

9. It shall be lawful for the said company to enter into any agreement with any other railway in the Province of Ontario *lawfully authorized in that behalf*, for leasing the said railway, or any part thereof, to such other company, or for leasing or hiring from such other company any railway or any part thereof, or for leasing or hiring locomotives or other rolling stock, and generally to make any agreement or agreements with any such other company touching the use, by one or the other, or by both companies, of the railway or moveable property of either, or of both, or of any part thereof; or touching any service to be rendered by one company to the other, and the compensation therefor, and any such agreement shall be valid and binding, and shall be enforced by courts of law, according to the terms and tenor thereof; and any company or individual accepting and executing such lease or agreement, shall be and is hereby empowered to exercise all the rights, powers and privileges in this Act conferred: Proviso. Provided, the said leases, agreement or agreements, have been first respectively sanctioned at special general meetings of the shareholders, called for the purpose of considering the same respectively, under the provisions of the Railway Act, and then by a vote to that end of two thirds of the shareholders present, either in person or by proxy; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Form of conveyances.

10. Conveyances of land to the said company for the purposes of and powers given by this Act may be in the form set out in the schedule "A" hereunder written, or to the like effect, and shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in such man-

ner and upon such proof of execution as is required under the Registry Laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Power to exclude persons from subscribing for stock in discretion of directors.

11. The directors, may, in their discretion, exclude any person from subscribing for stock who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time more than the whole stock shall have been subscribed, the said board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, this will best secure the building of the said railway.

Capital.

12. The capital of the company *is* hereby *declared to* be three hundred thousand dollars (with power to increase the same in the manner provided by the Railway Act), to be divided into three thousand shares of one hundred dollars each, to be applied in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment and completion of the said railway, and the other purposes of this Act; and until such preliminary expenses shall be paid out of the said capital stock, the municipality of any city, county, town, township or village on the line of such works, may pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock, or be allowed in part payment of bonuses granted by such municipality.

Existing subscriptions for stock to be binding.

13. All subscriptions for stock made before the passing of this Act, and which at the time of the passing of this Act are subsisting, shall be taken and held to be valid and binding as if duly subscribed and taken under this Act, and all persons and corporations who at the time of the passing of this Act are *bona fide* shareholders in said Company, shall be held and taken to be shareholders of the said company under this Act

Payment at time of subscription.

14. On the subscription *hereafter* for shares of the said capital stock each subscriber shall pay ten per centum of the amount subscribed by him into some chartered bank to be designated by the directors, to the credit of the said company.

Calls.

15. Calls may be made by the directors for the time being as they shall see fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber, and at intervals of not less than thirty days.

Directors.

16. The affairs of the company shall be managed by a board of nine directors in addition to the directors who are such *ex officio*.

Payment in anticipation of calls.

17. It shall be lawful for the directors to accept payment in full for stock from any subscriber thereof at the time of subscription thereof, or at any time before the making of a final call thereon, and to allow such percentage or discount thereon as they may deem expedient and reasonable, and thereupon to issue to each subscriber scrip to the full amount of such stock subscribed.

Place and time of holding general meetings.

18. The general annual meetings *for the election of directors and other purposes*, and special meetings of the shareholders of the said company shall be held in such place and on such days and on such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least two weeks previously in the *Ontario Gazette*, and in one local newspaper published at Toronto, Ottawa and Peterborough respectively, and such notices shall be continued once in each week until after the day of meeting.

Votes.

19. Every shareholder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to *one* vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock upon which such shareholder seeks to vote, shall have been paid up at least one week before the day appointed for such meeting.

Representation of stock of corporations.

20. At all meetings of the company the stock held by municipal and other corporations may be represented by such person as they shall respectively have appointed in that behalf by by-law; and such person shall at such meeting be entitled equally with other shareholders to vote by proxy.

Qualification of directors.

21. No person shall be qualified to be elected as a director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls due thereon.

Quorum.

22. Any meeting of the directors of the said company, regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors.

Aid to company.

23. The said company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway, by way of bonus, gift, or loan, in money or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Aid from municipalities.

24. Any municipal corporation, or any portion of a municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass, or be situate, may aid the said company by giving money or deben-

tures, by way of bonus, gift, or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained: Provided always that no such aid shall be given except after the passing of a by-law for the purpose and the adoption of such by-law by the qualified ratepayers of the municipality, or portion of municipality (as the case may be), as provided in the Municipal Act for the creation of debts. Proviso.

25. Such by-laws shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:— Provisions as to bonus by-laws.

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;

(2) In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of twenty resident freeholders in each of the minor municipalities of the county who are qualified voters under the Municipal Act;

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of twenty resident freeholders, being duly qualified voters as aforesaid;

(4) In the case of two or more minor municipalities, or sections of two or more such municipalities, or of two or more such municipalities with a section or sections of one or more minor municipalities, forming part of a county municipality, the petition is to be presented to the county council, describing the portions to be grouped, and defining any section by metes and bounds, and shall be that of a majority of each of the councils of such minor municipalities respectively, or of twenty resident freeholders in each of the said minor municipalities or sections proposed to be grouped, being duly qualified voters as aforesaid.

26. Where a portion of the county municipality petitions to aid the railway, it shall be such portion only as shall consist of two or more minor municipalities or sections thereof, through which the line of railway is to be constructed, or which will be benefited thereby, and such minor municipalities and sections thereof shall lie contiguous; but no minor municipality or section thereof, which is subject to a county or other by-law in aid of the same railway, shall be thus grouped without the consent of the majority of the duly qualified voters therein expressed to that end, when voting upon the proposed by-law. Grouping minor municipalities.

27. In case of aid from a county municipality or from a grouped portion thereof, twenty resident freeholders of the county or portion comprised in the proposed by-law (as the case may be) may petition the county council against submitting the said by-law upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the Treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the Judge of the County Court, one being the Provisions for referring to arbitration disputes as to bonus by-laws.

Registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom; and the decision of any two of them shall be final; and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

Rate to be levied on portion of county grouped.

28. In the case of a portion of the county municipality being formed into a group, the by-law to be submitted shall be that of the county, but the rate to be levied for payment of the debentures issued thereunder and the interest thereon, shall be assessed and levied upon such portions only of the county municipality, and the voting thereon shall be limited to the duly qualified voters in such portions only.

Deposit for expenses.

29. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

"Minor Municipalities," meaning of.

30. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality.

Rate not exceeding three cents in the dollar valid.

31. All municipalities or portions thereof interested in the construction of the proposed road of the said company, may grant aid by way of bonus to the said company, towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipalities or portions thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates than three cents in the dollar upon the value of the ratable property therein.

Proviso.

By-law what to contain.

32. Such by-law shall in each instance provide:—

(1.) For raising the amount petitioned for in the municipality or portions of the county municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law;

(2.) For assessing and levying upon all ratable property lying within the municipality or portions of the county municipality defined in said by-law (as the case may be), an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, or by equal annual instalments of principal and interest, which debentures the respective municipal councils, warden, reeves and other officers thereof, are hereby authorized to execute and issue in such

cases respectively; provided that in case the sum raised under the authority of such by-law is invested in the capital stock or bonds of the railway company or loaned thereon, the council of the municipality holding such stock or bonds may sell and dispose of the same or any part thereof, and shall in such case apply the moneys received therefor in payment of the said debentures and interest. Proviso.

33. In case the by-law submitted is not approved of, no other by-law which is in substance the same shall be submitted to the voters of the same municipality or portion of the county municipality until after the expiration of six months from such rejection. By-law rejected, not to be submitted again for six months.

34. In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same. If by-law carried, council to pass same;

35. Within one month after the passing of such a by-law, the said council and the warden, reeve, or other officers thereof shall issue the debentures *authorized to be issued by such by-law.* and issue debentures.

36. The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company, and give in exchange therefor to the said township a like amount of debentures of the said county on a resolution to that effect being passed by the county council, but the township municipality shall in each case keep the county municipality fully indemnified against any rate or liability in respect of said debentures. Exchange of debentures.

37. Whenever any municipality or portion of a county municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario: Provided, that if the said council shall refuse or neglect to name such trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee, or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council; and in case any trustee die or resign his trust, or go to live out of Ontario or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council. Trustees of debentures. Proviso.

38. The said trustees shall receive the said debentures or bonds in trust: Firstly, under the directions of the company, but subject to the conditions of the *municipal* by-law in relation thereto as to time and manner, to convert the same into Trusts of debentures.

money: Secondly, to deposit the amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of the "Toronto and Ottawa Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company become entitled thereto under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being, which certificate is to be attached to the cheque drawn by the said trustees for such payments, and such engineer shall not wrongfully grant any such certificate, under a penalty of five hundred dollars, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees to trustees.

39. The trustees shall be entitled to their reasonable fees and charges from said trust fund; and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Municipalities authorized to grant land.

40. Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company any lands belonging to such municipality which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government or any person or body, politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Exemption from or agreement as to taxes.

41. It shall further be lawful for the council of any municipality, in which any part of the railway of the company is situate, by by-laws specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation and for such term of years as such municipal corporation may deem expedient not exceeding twenty-one years; and any such by-law shall not be repealed unless in conformity with a condition contained therein.

Extension of time for completion.

42. It shall and may be lawful for the council of any municipality that may grant, or that may have granted, a bonus to the company (and they shall have full power *by resolution or by-law*) to extend the time for completion of the works, on the completion of which the said company would be entitled to such bonus.

Extension of time for commencement.

43. The councils of all corporations that, or any portion of which, have heretofore granted, or may hereafter grant aid by way of bonus to the said company, may, by resolution, or by-law extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time: Provided, that no such extension shall be for a longer period than one year.

Proviso.

44. It shall be lawful for the council of any township, town, or county municipality interested in the said road (extension, branches, or any of them), and without complying with the requirements of any Act providing for the creation of debts by municipal corporations, on behalf of such township or county municipalities, to bear all or part of the costs, charges and expenses of, and incidental to, the submission of any by-law to the said qualified voters for granting a bonus to the said company, or may give the said company a bonus on account of such costs, charges and expenses: Provided always, that no such bonus shall exceed five thousand dollars. Payment of costs of by-law by municipalities. Proviso.

45. Whenever any municipality, or portion of a municipality, shall aid, loan, guarantee, or give money or bonds, by way of bonus, to aid the making, equipment, and completion of said road (extension and branches), or any part or parts thereof, it shall be lawful for the said company to enter into a valid agreement with any such municipality, binding the said company to expend the whole of such aid so given upon works of construction within the limit of the municipality granting the same. Agreements as to expenditure of bonus.

46. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting, to be called from time to time for such purpose, shall have power to issue bonds to any amount not exceeding *twenty* thousand dollars per mile of railway, to be signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be first and preferential claims and charges upon the said undertaking and the property of the company, real and personal, then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and encumbrancer *pro rata*, with all the other holders thereof, upon the undertaking and the property of the company as aforesaid: And provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders: Provided that the bonds, and any transfers thereof, shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same, on being required to do so by any holder thereof. Issue of bonds by company. Proviso. Proviso.

47. The said company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than one hundred dollars, and any such promissory note, made or endorsed by the president or vice-president of the company and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to Promissory notes.

have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or secretary and treasurer, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors, as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Proviso.

Acquiring stone, gravel, &c.

48. Where stone, gravel, or any other material is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award, and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway; and all the provisions of the Railway Act, as varied and modified *by this Act* as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject-matter of this section, and to the obtaining materials aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which the said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to gravel pits, &c.

49. When the said gravel, stone, or other materials, shall be taken, under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said materials shall be found, whatever the distance may be, and all the provisions of the Railway Act and *of this Act* relating to the said company, except such as relate to filing plans and publication of notice shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Acquiring whole lots where less would suffice.

50. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, sidings, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and

convey the same or part thereof, from time to time, as they may deem expedient.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of "The Railway Act of Ontario" shall not apply.

Power of municipalities to subscribe for stock.

51. Nothing in this Act shall prevent any municipality from subscribing for stock of the company pursuant to the Railway Act or Municipal Act.

Telegraph lines.

52. For the purpose of constructing, working and protecting the telegraph lines on their line of railway, the powers conferred on telegraph companies by the Act respecting Electric Telegraph Companies, are hereby conferred upon the company, and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

Payment for right of way, &c., in stock or bonds.

53. It shall be competent for the board of directors of the company, with the sanction and authority of the shareholders, to issue, as paid up stock in the said company, whether now subscribed for or not, and allot and pay such stock and mortgage bonds of the company in payment of rights of way, plant, rolling stock or material of any kind, and also for the services of contractors, engineers and other persons, whether directors of the company or otherwise, who may have been, are or may be engaged in and about the prosecution of the proposed undertaking: Provided that no such stock or bonds shall be allotted to any director or directors of the said company until the resolution authorizing the same shall have been made or confirmed at a meeting of the shareholders of the company.

Proviso.

Contracts for construction.

54. It shall be lawful for the directors to enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the line or any part thereof, including or excluding the purchase of right of way, and to pay therefor, either in cash or bonds, or in paid up stock, or otherwise, as may be deemed expedient, notwithstanding that one or more of such contractors may be shareholders or directors in the company; provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present in person or by proxy at a meeting specially convened for considering the same.

Proviso.

All provisions of former Acts continued when not inconsistent with this Act.

55. All and singular the clauses and provisions of the said several acts relating to the said Company that may not have been hereby consolidated, shall nevertheless continue and remain in force, except in so far as the same may be inconsistent with the provisions of this Act.

Time of commencement and completion extended.

56. The time for the commencement of the said proposed road is hereby extended until the first day of May, one thousand eight hundred and eighty-two, and for the completion thereof until the first day of December, one thousand eight hundred and eighty-seven, but nevertheless such extension of time shall not affect or prejudice any of the conditions, *stipulations and enactments contained in* any by-law now or hereafter passed granting aid by way of bonus to the said company.

By-laws confirmed.

57. The several municipal by-laws hereinafter mentioned and set forth granting aid by way of bonus to the said company

are hereby declared legal, valid, and binding, notwithstanding any defects of form or substance therein or in relation to the passing thereof, that is to say :—

The by-law of the corporation of the city of Ottawa, granting aid, by way of bonus, to the said company, to the amount of two hundred thousand dollars, approved by the vote of the rate-payers of the said city of Ottawa so soon as the same is finally passed by the council of the said city of Ottawa; a by-law of that part of the municipality of the county of Lanark comprised in the townships of Sherbrooke South, Burgess North, Elmsley North, Bathurst, Drummond, and that part of the township of Beckwith south of the ninth concession line, and that part of the township of Montague north of the eighth concession line, granting aid, by way of bonus, to the said company, to the amount of seventy-five thousand dollars; a by-law of the corporation of the village of Madoc, granting aid, by way of bonus, to the said company to the amount of five thousand dollars, and finally passed on the *nineteenth* day of *January*, one thousand eight hundred and seventy-nine; a by-law of the corporation of the *united townships of Marmora and Lake* granting aid, by way of bonus, to the said company, to the amount of ten thousand dollars, and finally passed on the *first* day of *December*, one thousand eight hundred and seventy-nine; a by-law of the corporation of the *United Townships of Elzevir and Grimsthorpe* granting aid, by way of bonus, to the said company, to the amount of twelve thousand dollars, and finally passed on the *twenty-second* day of *December*, one thousand eight hundred and seventy-nine; a by-law of the corporation of the *United Townships of Kaladar and Anglesea* granting aid, by way of bonus, to the said company, to the amount of *ten* thousand dollars, and finally passed on the *twentieth* day of *December*, one thousand eight hundred and seventy-nine;

Proviso.

Provided always that nothing herein contained shall prejudicially affect any proceeding now pending or which may hereafter and within three months after the passing of this Act be commenced for the purpose of quashing the said by-law of the Corporation of the County of Lanark; and

Proviso.

provided also that the several provisoes, stipulations, conditions, and restrictions with reference to the said railway, or any part thereof, or the location, construction or maintenance thereof or otherwise contained in the said by-law of the City of Ottawa, granting a bonus to the said Company, shall be at all times kept, observed and performed by, and shall be obligatory and binding upon the said company.

SCHEDULE "A."

(*Section* 10.)

Know all men by these presents that I (*or* we) (*insert names, residences and occupations of the vendors*) in consideration of dollars paid to me (*or* us) by "The Toronto and Ottawa Railway Company," do grant, convey and release unto the said company all that (*or* those) certain parcel or tract of land and premises, situate (*insert description of property*), the same having been selected by the said company for the purposes of their said railway, to

hold the same unto the said "The Toronto and Ottawa Railway Company," their successors and assigns, and to their use for ever (*or, as the case may be*) (*here insert any other clauses, covenants or conditions required*), and I (*or* we) the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of , A.D. 18 .

Signed, sealed and delivered in the presence of } [L.S.]

3—23

1st Session, 4th Parliament, 43 Vic., 1880.

BILL.

An Act respecting the Toronto and Ottawa Railway.

(Reprinted as Amended.)

First Reading, 22nd January, 1880.

(PRIVATE BILL.)

Mr. Scott.

TORONTO:
Printed by C. Blackett Robinson.

No. 23. BILL. [1880

An Act respecting the Toronto and Ottawa Railway Company.

Preamble.

WHEREAS the Toronto and Ottawa Railway Company have, by their petition, prayed for an Act consolidating and amending the several Acts relating to the Toronto and Ottawa Railway Company, formerly the Huron and Quebec Railway Company, and for the extension of time for the commencement and completion of their proposed road, and for the legalization of certain by-laws granting aid, by way of bonus, to the said company, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rights vested in shareholders.

1. All the rights, powers and privileges intended to be vested in the Toronto and Ottawa Railway Company, under the several statutes passed by the Legislature of the Province of Ontario, relating to said company, are hereby declared to be vested in the shareholders of the said company, under the name of "The Toronto and Ottawa Railway Company."

Existing contracts not affected.

2. All contracts made heretofore by or with the said company, and which are now legal and subsisting, and all the rights and liabilities of and against the said company, shall continue in all respects binding upon, and in favour of, the said company, and shall not be altered or affected by any provision of this Act.

Acts done to be considered as done under this Act.

3. All purchases made, deeds taken, proceedings had, and acts done, in the location and construction of said railway, by the said company, shall be held and taken to have been had and done under this Act.

Directors continued in office.

4. The present directors of the said company, shall continue in office, and shall, with the *ex officio* directors be the directors of the said company, until the election to be holden under this Act, and until their successors be duly elected.

Calls, &c., confirmed.

5. All calls made and acts heretofore done under the said Acts in the first section of this Act mentioned, by the directors of the company, and otherwise legally made or done, are hereby declared to have been made and done by a lawfully constituted Board of Directors, and are hereby confirmed, and the same shall, notwithstanding the passing of this Act, continue and be binding on all persons who are now liable therefor, and any call made and act done by said directors shall be taken to have been made and done under the said Acts.

Certain clauses of R. S. O. c. 165, incorporated.

6. The several clauses of the Railway Act of Ontario and amendments thereto, and also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares, and their transfer," "municipalities," "shareholders," "actions for indemnity, and fines and penalties, and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions" shall be incorporated with, and deemed to be a part of, this Act, and shall apply to the said company, and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

Location of line.

7. The said company shall have full power, under this Act, to construct a railway from any point in *or near* the city of Toronto to some point in the city of Ottawa, by way of the town of Peterborough.

Gauge.

8. The said railway shall be of the gauge of four feet and eight and one-half inches.

Agreements with other railways.

9. It shall be lawful for the said company to enter into any agreement with any other railway in the Province of Ontario *lawfully authorized in that behalf*, for leasing the said railway, or any part thereof, to such other company, or for leasing or hiring from such other company any railway or any part thereof, or for leasing or hiring locomotives or other rolling stock, and generally to make any agreement or agreements with any such other company touching the use, by one or the other, or by both companies, of the railway or moveable property of either, or of both, or of any part thereof; or touching any service to be rendered by one company to the other, and the compensation therefor, and any such agreement shall be valid and binding, and shall be enforced by courts of law, according to the terms and tenor thereof; and any company or individual accepting and executing such lease or agreement, shall be and is hereby empowered to exercise all the rights, powers and privileges in this Act conferred: Proviso. Provided, the said leases, agreement or agreements, have been first respectively sanctioned at special general meetings of the shareholders, called for the purpose of considering the same respectively, under the provisions of the Railway Act, and then by a vote to that end of two thirds of the shareholders present, either in person or by proxy; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Form of conveyances.

10. Conveyances of land to the said company for the purposes of and powers given by this Act may be in the form set out in the schedule "A" hereunder written, or to the like effect, and shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in such man-

ner and upon such proof of execution as is required under the Registry Laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Power to exclude persons from subscribing for stock in discretion of directors.

11. The directors, may, in their discretion, exclude any person from subscribing for stock who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time more than the whole stock shall have been subscribed, the said board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, this will best secure the building of the said railway.

Capital.

12. The capital of the company *is* hereby *declared to* be three hundred thousand dollars (with power to increase the same in the manner provided by the Railway Act), to be divided into three thousand shares of one hundred dollars each, to be applied in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment and completion of the said railway, and the other purposes of this Act; and until such preliminary expenses shall be paid out of the said capital stock, the municipality of any city, county, town, township or village on the line of such works, may pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock, or be allowed in part payment of bonuses granted by such municipality.

Existing subscriptions for stock to be binding.

13. All subscriptions for stock made before the passing of this Act, and which at the time of the passing of this Act are subsisting, shall be taken and held to be valid and binding as if duly subscribed and taken under this Act, and all persons and corporations who at the time of the passing of this Act are *bona fide* shareholders in said Company, shall be held and taken to be shareholders of the said company under this Act

Payment at time of subscription.

14. On the subscription *hereafter* for shares of the said capital stock each subscriber shall pay ten per centum of the amount subscribed by him into some chartered bank to be designated by the directors, to the credit of the said company.

Calls.

15. Calls may be made by the directors for the time being as they shall see fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber, and at intervals of not less than thirty days.

Directors.

16. The affairs of the company shall be managed by a board of nine directors in addition to the directors who are such *ex officio*.

Payment in anticipation of calls.

17. It shall be lawful for the directors to accept payment in full for stock from any subscriber thereof at the time of subscription thereof, or at any time before the making of a final call thereon, and to allow such percentage or discount thereon as they may deem expedient and reasonable, and thereupon to issue to each subscriber scrip to the full amount of such stock subscribed.

Place and time of holding general meetings.

18. The general annual meetings *for the election of directors and other purposes*, and special meetings of the shareholders of the said company shall be held in such place and on such days and on such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least two weeks previously in the *Ontario Gazette*, and in one local newspaper published at Toronto, Ottawa and Peterborough respectively, and such notices shall be continued once in each week until after the day of meeting.

Votes.

19. Every shareholder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to *one* vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock upon which such shareholder seeks to vote, shall have been paid up at least one week before the day appointed for such meeting.

Representation of stock of corporations.

20. At all meetings of the company the stock held by municipal and other corporations may be represented by such person as they shall respectively have appointed in that behalf by by-law; and such person shall at such meeting be entitled equally with other shareholders to vote by proxy.

Qualification of directors.

21. No person shall be qualified to be elected as a director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls due thereon.

Quorum.

22. Any meeting of the directors of the said company, regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors.

Aid to company.

23. The said company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway, by way of bonus, gift, or loan, in money or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Aid from municipalities.

24. Any municipal corporation, or any portion of a municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass, or be situate, may aid the said company by giving money or deben-

tures, by way of bonus, gift, or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained: Provided always that no such aid shall be given except after the passing of a by-law for the purpose and the adoption of such by-law by the qualified ratepayers of the municipality, or portion of municipality (as the case may be), as provided in the Municipal Act for the creation of debts. Proviso.

25. Such by-laws shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:— Provisions as to bonus by-laws.

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;

(2) In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of twenty resident freeholders in each of the minor municipalities of the county who are qualified voters under the Municipal Act;

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of twenty resident freeholders, being duly qualified voters as aforesaid;

(4) In the case of two or more minor municipalities, or sections of two or more such municipalities, or of two or more such municipalities with a section or sections of one or more minor municipalities, forming part of a county municipality, the petition is to be presented to the county council, describing the portions to be grouped, and defining any section by metes and bounds, and shall be that of a majority of each of the councils of such minor municipalities respectively, or of twenty resident freeholders in each of the said minor municipalities or sections proposed to be grouped, being duly qualified voters as aforesaid.

26. Where a portion of the county municipality petitions to aid the railway, it shall be such portion only as shall consist of two or more minor municipalities or sections thereof, through which the line of railway is to be constructed, or which will be benefited thereby, and such minor municipalities and sections thereof shall lie contiguous; but no minor municipality or section thereof, which is subject to a county or other by-law in aid of the same railway, shall be thus grouped without the consent of the majority of the duly qualified voters therein expressed to that end, when voting upon the proposed by-law. Grouping minor municipalities.

27. In case of aid from a county municipality or from a grouped portion thereof, twenty resident freeholders of the county or portion comprised in the proposed by-law (as the case may be) may petition the county council against submitting the said by-law upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the Treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the Judge of the County Court, one being the Provisions for referring to arbitration disputes as to bonus by-laws.

Registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom; and the decision of any two of them shall be final; and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

Rate to be levied on portion of county grouped.

28. In the case of a portion of the county municipality being formed into a group, the by-law to be submitted shall be that of the county, but the rate to be levied for payment of the debentures issued thereunder and the interest thereon, shall be assessed and levied upon such portions only of the county municipality, and the voting thereon shall be limited to the duly qualified voters in such portions only.

Deposit for expenses.

29. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

"Minor Municipalities," meaning of.

30. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality.

Rate not exceeding three cents in the dollar valid.

31. All municipalities or portions thereof interested in the construction of the proposed road of the said company, may grant aid by way of bonus to the said company, towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipalities or portions thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates than three cents in the dollar upon the value of the ratable property therein.

Proviso.

By-law what to contain.

32. Such by-law shall in each instance provide:—

(1.) For raising the amount petitioned for in the municipality or portions of the county municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law;

(2.) For assessing and levying upon all ratable property lying within the municipality or portions of the county municipality defined in said by-law (as the case may be), an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, or by equal annual instalments of principal and interest, which debentures the respective municipal councils, warden, reeves and other officers thereof, are hereby authorized to execute and issue in such

cases respectively; provided that in case the sum raised under the authority of such by-law is invested in the capital stock or bonds of the railway company or loaned thereon, the council of the municipality holding such stock or bonds may sell and dispose of the same or any part thereof, and shall in such case apply the moneys received therefor in payment of the said debentures and interest. Proviso.

33. In case the by-law submitted is not approved of, no other by-law which is in substance the same shall be submitted to the voters of the same municipality or portion of the county municipality until after the expiration of six months from such rejection. By-law rejected, not to be submitted again for six months.

34. In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same. If by-law carried, council to pass same;

35. Within one month after the passing of such a by-law, the said council and the warden, reeve, or other officers thereof shall issue the debentures *authorized to be issued by such by-law.* and issue debentures.

36. The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company, and give in exchange therefor to the said township a like amount of debentures of the said county on a resolution to that effect being passed by the county council, but the township municipality shall in each case keep the county municipality fully indemnified against any rate or liability in respect of said debentures. Exchange of debentures.

37. Whenever any municipality or portion of a county municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario: Provided, that if the said council shall refuse or neglect to name such trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee, or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council; and in case any trustee die or resign his trust, or go to live out of Ontario or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council. Trustees of debentures. Proviso.

38. The said trustees shall receive the said debentures or bonds in trust: Firstly, under the directions of the company, but subject to the conditions of the *municipal* by-law in relation thereto as to time and manner, to convert the same into Trusts of debentures.

money: Secondly, to deposit the amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of the "Toronto and Ottawa Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company become entitled thereto under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being, which certificate is to be attached to the cheque drawn by the said trustees for such payments, and such engineer shall not wrongfully grant any such certificate, under a penalty of five hundred dollars, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees to trustees.

39. The trustees shall be entitled to their reasonable fees and charges from said trust fund; and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Municipalities authorized to grant land.

40. Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company any lands belonging to such municipality which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government or any person or body, politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Exemption from or agreement as to taxes.

41. It shall further be lawful for the council of any municipality, in which any part of the railway of the company is situate, by by-laws specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation and for such term of years as such municipal corporation may deem expedient not exceeding twenty-one years; and any such by-law shall not be repealed unless in conformity with a condition contained therein.

Extension of time for completion.

42. It shall and may be lawful for the council of any municipality that may grant, or that may have granted, a bonus to the company (and they shall have full power *by resolution or by-law*) to extend the time for completion of the works, on the completion of which the said company would be entitled to such bonus.

Extension of time for commencement.

43. The councils of all corporations that, or any portion of which, have heretofore granted, or may hereafter grant aid by way of bonus to the said company, may, by resolution, or by-law extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time: Provided, that no such extension shall be for a longer period than one year.

Proviso.

44. It shall be lawful for the council of any township, town, or county municipality interested in the said road (extension, branches, or any of them), and without complying with the requirements of any Act providing for the creation of debts by municipal corporations, on behalf of such township or county municipalities, to bear all or part of the costs, charges and expenses of, and incidental to, the submission of any by-law to the said qualified voters for granting a bonus to the said company, or may give the said company a bonus on account of such costs, charges and expenses: Provided always, that no such bonus shall exceed five thousand dollars. Payment of costs of by-law by municipalities. Proviso.

45. Whenever any municipality, or portion of a municipality, shall aid, loan, guarantee, or give money or bonds, by way of bonus, to aid the making, equipment, and completion of said road (extension and branches), or any part or parts thereof, it shall be lawful for the said company to enter into a valid agreement with any such municipality, binding the said company to expend the whole of such aid so given upon works of construction within the limit of the municipality granting the same. Agreements as to expenditure of bonus.

46. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting, to be called from time to time for such purpose, shall have power to issue bonds to any amount not exceeding *twenty* thousand dollars per mile of railway, to be signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be first and preferential claims and charges upon the said undertaking and the property of the company, real and personal, then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and encumbrancer *pro rata*, with all the other holders thereof, upon the undertaking and the property of the company as aforesaid: And provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders: Provided that the bonds, and any transfers thereof, shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same, on being required to do so by any holder thereof. Issue of bonds by company. Proviso. Proviso.

47. The said company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than one hundred dollars, and any such promissory note, made or endorsed by the president or vice-president of the company and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to Promissory notes.

have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or secretary and treasurer, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors, as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Proviso.

Acquiring stone, gravel, &c.

48. Where stone, gravel, or any other material is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award, and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway; and all the provisions of the Railway Act, as varied and modified *by this Act* as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject-matter of this section, and to the obtaining materials aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which the said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required

Sidings to gravel pits, &c.

49. When the said gravel, stone, or other materials, shall be taken, under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said materials shall be found, whatever the distance may be, and all the provisions of the Railway Act and *of this Act* relating to the said company, except such as relate to filing plans and publication of notice shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Acquiring whole lots where less would suffice.

50. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, sidings, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and

convey the same or part thereof, from time to time, as they may deem expedient.

☞(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of "The Railway Act of Ontario" shall not apply.☜

Power of municipalities to subscribe for stock.

51. Nothing in this Act shall prevent any municipality from subscribing for stock of the company pursuant to the Railway Act or Municipal Act.

Telegraph lines.

52. For the purpose of constructing, working and protecting the telegraph lines on their line of railway, the powers conferred on telegraph companies by the Act respecting Electric Telegraph Companies, are hereby conferred upon the company, and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

Payment for right of way, &c., in stock or bonds.

53. It shall be competent for the board of directors of the company, with the sanction and authority of the shareholders, to issue, as paid up stock in the said company, whether now subscribed for or not, and allot and pay such stock and mortgage bonds of the company in payment of rights of way, plant, rolling stock or material of any kind, and also for the services of contractors, engineers and other persons, whether directors of the company or otherwise, who may have been, are or may be engaged in and about the prosecution of the proposed undertaking: Provided that no such stock or bonds shall be allotted to any director or directors of the said company until the resolution authorizing the same shall have been made or confirmed at a meeting of the shareholders of the company.

Proviso.

Contracts for construction.

54. It shall be lawful for the directors to enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the line or any part thereof, including or excluding the purchase of right of way, and to pay therefor, either in cash or bonds, or in paid up stock, or otherwise, as may be deemed expedient, notwithstanding that one or more of such contractors may be shareholders or directors in the company; provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present in person or by proxy at a meeting specially convened for considering the same.

Proviso.

All provisions of former Acts continued when not inconsistent with this Act.

55. All and singular the clauses and provisions of the said several acts relating to the said Company that may not have been hereby consolidated, shall nevertheless continue and remain in force, except in so far as the same may be inconsistent with the provisions of this Act.

Time of commencement and completion extended.

56. The time for the commencement of the said proposed road is hereby extended until the first day of May, one thousand eight hundred and eighty-two, and for the completion thereof until the first day of December, one thousand eight hundred and eighty-seven, but nevertheless such extension of time shall not affect or prejudice any of the conditions, *stipulations and enactments contained in* any by-law now or hereafter passed granting aid by way of bonus to the said company.

By-laws confirmed.

57. The several municipal by-laws hereinafter mentioned and set forth granting aid by way of bonus to the said company

are hereby declared legal, valid, and binding, notwithstanding any defects of form or substance therein or in relation to the passing thereof, that is to say :—

A by law of the corporation of the County of Peterborough, granting aid by way of bonus to the said company, to the amount of one hundred and fifty thousand dollars, and finally passed on the eleventh day of November, one thousand eight hundred and seventy-five, as amended by a by-law of the said corporation, submitted to the ratepayers of the said County of Peterborough, to be voted on on the twenty-first day of February, one thousand eight hundred and eighty, when approved of by the ratepayers and finally passed by the Council of the said corporation; *a by-law* of the corporation of the city of Ottawa, granting aid, by way of bonus, to the said company, to the amount of two hundred thousand dollars, approved by the vote of the ratepayers of the said city of Ottawa so soon as the same is finally passed by the council of the said city of Ottawa; a by-law of that part of the municipality of the county of Lanark comprised in the townships of Sherbrooke South, Burgess North, Elmsley North, Bathurst, Drummond, and that part of the township of Beckwith south of the ninth concession line, and that part of the township of Montague north of the eighth concession line, granting aid, by way of bonus, to the said company, to the amount of seventy-five thousand dollars; a by-law of the corporation of the village of Madoc, granting aid, by way of bonus, to the said company to the amount of five thousand dollars, and finally passed on the *nineteenth* day of *January*, one thousand eight hundred and *eighty;* a by-law of the corporation of the *united townships of Marmora and Lake* granting aid, by way of bonus, to the said company, to the amount of ten thousand dollars, and finally passed on the *first* day of *December*, one thousand eight hundred and seventy-nine ;

Proviso.

a by-law of the corporation of the *United Townships of Elzevir and Grimsthorpe* granting aid, by way of bonus, to the said company, to the amount of twelve thousand dollars, and finally passed on the *twenty-second* day of *December*, one thousand eight hundred and seventy-nine; a by-law of the corporation of the *United Townships of Kaladar and Anglesea* granting aid, by way of bonus, to the said company, to the amount of *ten* thousand dollars, and finally passed on the *twentieth* day of *December*, one thousand eight hundred and seventy-nine;

Proviso.

provided that nothing herein contained shall prejudicially affect any proceeding now pending or which may hereafter and within three months after the passing of this Act be commenced for the purpose of quashing the said by-law of the Corporation of the County of Lanark; and provided also that the several provisoes, stipulations, conditions, and restrictions with reference to the said railway, or any part thereof, or the location, construction or maintenance thereof or otherwise contained in the said by-law of the City of Ottawa, granting a bonus to the said Company, shall be at all times kept, observed and performed by, and shall be obligatory and binding upon the said company. and provided also that nothing herein contained shall prejudicially affect any proceeding now pending or which may hereafter within three months after the passing of this Act be commenced for the purpose of quashing the said amending by-law of the corporation of the County of Peterborough.

SCHEDULE "A."

(*Section* 10.)

Know all men by these presents that I (*or* we) (*insert names, residences and occupations of the vendors*) in consideration of dollars paid to me (*or* us) by "The Toronto and Ottawa Railway Company," do grant, convey and release unto the said company all that (*or* those) certain parcel or tract of land and premises, situate (*insert description of property*), the same having been selected by the said company for the purposes of their said railway, to hold the same unto the said "The Toronto and Ottawa Railway Company," their successors and assigns, and to their use for ever (*or, as the case may be*) (*here insert any other clauses, covenants or conditions required*), and I (*or* we) the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of A.D. 18 .

Signed, sealed and delivered in the presence of } [L.S.]

No. 23

1st Session, 4th Parliament, 43 Vic., 1880.

BILL.

An Act respecting the Toronto and Ottawa Railway.

(Reprinted as Amended.)

First Reading, 22nd January, 1880.

Second " 13th February, 1880.

(PRIVATE BILL.)

MR. SCOTT.

TORONTO

PRINTED BY C. B. ROBINSON, JORDAN STREET.

No. 24.] BILL. [1880.

An Act further to amend the Act incorporating the Trent Valley Railway Company.

Preamble.

WHEREAS the Trent Valley Railway Company have petitioned the Legislature for certain amendments to their Act of incorporation, passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-six, and amended by an Act passed in the thirty-eighth year of the reign of Her Majesty Queen Victoria, and chaptered fifty-eight, and it is expedient to grant the prayer of their petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Sec. 50 of 36 Vic., c. 76, amended.

1. Section fifty of the said Act of incorporation is hereby amended by inserting after the word "company" in the second line, the words "or any other railway company."

Ss. 6 and 7 o 38 Vic., c. 58, repealed.

2. Sections six and seven of the said amending Act are hereby repealed.

Time extended.

3. The time for the commencement of said railway, as mentioned in the forty-seventh section of the said recited Act, and in the eighth section of the said recited amending Act, shall be and is hereby extended to two years from the passing of this Act, and the time for the completion of the said railway in the Townships of Madoc and Marmora is hereby extended to five years from the passing of this Act.

No. 24.

1st Session, 4th Parliament, 43 Vic., 1880.

BILL.

An Act further to amend the Act incorporating the Trent Valley Railway Company.

1st Reading, 1880.

(PRIVATE BILL).

Mr. STRIKER.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 24.] BILL. [1880.

An Act further to amend the Act incorporating the Trent Valley Railway Company.

Preamble.

WHEREAS the Trent Valley Railway Company have petitioned the Legislature for certain amendments to their Act of incorporation, passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-six, and amended by an Act passed in the thirty-eighth year of the reign of Her Majesty Queen Victoria, and chaptered fifty-eight, and it is expedient to grant the prayer of their petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Sec. 50 of 36 Vic., c. 76, amended.

1. Section fifty of the said Act of incorporation is hereby amended by inserting after the word "company" in the second line, the words "or any other railway company *lawfully authorized to enter into such agreement.*"

Ss. 6 and 7 of 38 Vic., c. 58, repealed.

2. Sections six and seven of the said amending Act are hereby repealed.

Time extended.

3. The time for the commencement of said railway, as mentioned in the forty-seventh section of the said recited Act, and in the eighth section of the said recited amending Act, shall be and is hereby extended to two years from the passing of this Act, and the time for the completion of the said railway in the Townships of Madoc and Marmora is hereby extended to five years from the passing of this Act: Provided always that nothing in this Act contained shall affect any right of any municipality or person heretofore acquired or now existing under section nine of the Act thirty-six Victoria, chapter seventy-six.

Proviso.

No. 24.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act further to amend the Act incorporating the Trent Valley Railway Company.

(Reprinted as Amended.)

1st Reading, 22nd January, 1880.

(PRIVATE BILL.)

Mr. Striker.

TORONTO:
Printed by C. Blackett Robinson.

No. 25.] BILL. [1880.

An Act to amend the Act incorporating Alma College.

Preamble.

WHEREAS the corporation of Alma College, constituted under the Act of the Legislature of the Province of Ontario, passed in the fortieth year of Her Majesty's reign, chaptered sixty-four, hath by its petition set forth: that in pursuance of the said Act of incorporation lands have been purchased in the town of Saint Thomas, and buildings erected thereon for the purposes of the college which are now nearly ready for use and occupation, and that it is determined that the same shall be opened for the reception of students on the first day of September, in the year of our Lord one thousand eight hundred and eighty, at a cost, when fully equipped and furnished, of about fifty thousand dollars; and whereas a large portion of the said sum has been subscribed by members of the Methodist Episcopal Church of Canada and other contributors, much of which is not yet due or payable by the terms of the said subscription; and whereas it is desirable to provide for the immediate payment of debts arising from the contracts for building and otherwise, and for that purpose to invest the said corporation with the additional powers of pledging the lands of the said college by way of mortgage, over and above the powers already conferred by said Act of incorporation; and whereas the said corporation hath prayed that the said powers may be given, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Board of management authorized to mortgage College and lands.

1. In addition to the powers conferred by the said Act, the board of management of the said college for the time being, or a majority of them present at any regular meeting, or at a special meeting called for the purpose, may negotiate and enter into contracts with any person or persons, corporation or corporations, for borrowing and repaying from time to time such sum or sums of money, for such terms of years, and at such a rate of interest, as in their discretion may seem best; and for that purpose may pledge or mortgage the college, and the lands acquired or to be acquired by the said corporation of Alma College, or any part thereof, as security for the repayment of the loan or loans thus to be effected, and the interest accruing thereon; and the president and secretary of the said corporation may, under the directions of the board of management, or a majority of the members, as above stated, under the corporate seal, execute such mortgage or mortgages as may be necessary until such subscriptions are all collected and all debts of the corporation are fully discharged and paid therewith; and the whole of the moneys so borrowed shall be disposed of by the

said board in liquidating and discharging debts now due or hereafter to become due on account of the said college; either for the completion, extension or enlargement of the present buildings or the erection of new ones; for the furnishing the same with proper furniture and apparatus, for the establishment and maintenance of a library, or for any other purpose that may be within the objects of the said corporation according to the intention of the said Act of incorporation.

S. 3 of 40 Vic., c. 64, amended.

2. Section three of the said Act is amended by inserting the word "mortgage" after the word "sell" in the nineteenth line and before the word "alienate" in the twentieth line thereof.

S. 4 of 40 Vic., c. 64, amended.

3. Section four of the said Act is hereby amended by changing the initial letter "J" into "I" in the eleventh line, that the name may read I. B. Aylesworth; by inserting the letter "J" between the letters "D" and "H" in the proper name of the Judge of the county of Elgin, and by making the word "Evoy" in the eighth line read "Elroy."

Vacancies in board of management.

4. Notwithstanding the provisions of the fifth section of the said Act the board of management, or a majority of the members present at a regular meeting thereof in the intervals of the meetings of the general conference of the Methodist Episcopal Church of Canada, may accept the resignation of any member tendering the same, and may fill up vacancies created by death, resignation, removal from the Province or otherwise; and the member so appointed shall hold office until the next meeting of the body appointing the person whose place he is thus called to fill.

40 Vic., c. 64, and this Act to be read as one.

5. The Act heretofore referred to and this Act shall be read as one Act.

No. 25.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An to amend the Act incorporating Alma College.

1st Reading, , 1880.

(PRIVATE BILL.)

Mr. NAIRN.

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET.

No. 25.] **BILL.** [1880.

An Act to amend the Act incorporating Alma College.

Preamble.

WHEREAS the corporation of Alma College, constituted under the Act of the Legislature of the Province of Ontario, passed in the fortieth year of Her Majesty's reign, chaptered sixty-four, hath by its petition set forth; that in pursuance of the said Act of incorporation lands have been purchased in the town of Saint Thomas, and buildings erected thereon for the purposes of the college which are now nearly ready for use and occupation, at a cost, when fully equipped and furnished, of about fifty thousand dollars; and whereas a large portion of the said sum has been subscribed, *but* is not yet due or payable by the terms of the said subscription; and whereas it is desirable to provide for the immediate payment of debts arising from the contracts for building and otherwise, and for that purpose to invest the said corporation with the additional powers of pledging the lands of the said college by way of mortgage, over and above the powers already conferred by said Act of incorporation; and whereas the said corporation hath prayed that the said powers may be given, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Board of management authorized to mortgage College and lands.

1. In addition to the powers conferred by the said Act, the board of management of the said college for the time being, or a majority of them present at any regular meeting, or at a special meeting called for the purpose, may negotiate and enter into contracts with any person or persons, corporation or corporations, for borrowing and repaying from time to time such sum or sums of money, for such terms of years, and at such a rate of interest, as in their discretion may seem best; and for that purpose may pledge or mortgage the college, and the lands acquired or to be acquired by the said corporation of Alma College, or any part thereof, as security for the repayment of the loan or loans thus to be effected, and the interest accruing thereon; and the president and secretary of the said corporation may, under the directions of the board of management, or a majority of the members, as above stated, under the corporate seal, execute such mortgage or mortgages as may be necessary until such subscriptions are all collected and all debts of the corporation are fully discharged and paid therewith; and the whole of the moneys so borrowed shall be disposed of by the said board in liquidating and discharging debts now due or hereafter to become due on account of the said college; either for the completion, extension or enlargement of the present buildings or the erection of new ones; for the furnishing the

same with proper furniture and apparatus, for the establishment and maintenance of a library, or for any other purpose that may be within the objects of the said corporation according to the intention of the said Act of incorporation: ☞ Provided always, that no power or authority hereby granted or given shall if exercised, in any manner, affect, prejudice, or invalidate any lien, priority, right, or incumbrance whatsoever now had or held by any holder or holders of any bond or debenture heretofore made, given, or issued by or on behalf of the said corporation or the said board of management, unless with the consent of such holder or holders. ☜

Proviso.

S. 3 of 40 Vic., c. 64, amended.

2. Section three of the said Act is amended by inserting the word "mortgage" after the word "sell" in the nineteenth line and before the word "alienate" in the twentieth line thereof.

S. 4 amended.

3. Section four of the said Act is hereby amended by changing the initial letter "J" into "I" in the eleventh line, that the name may read I. B. Aylesworth; by inserting the letter "J" between the letters "D" and "H" in the proper name of the Judge of the county of Elgin, and by making the word "Evoy" in the eighth line read "Elroy."

Vacancies in board of management.

4. Notwithstanding the provisions of the fifth section of the said Act the board of management, or a majority of the members present at a regular meeting thereof, in the intervals of the meetings of the general conference of the Methodist Episcopal Church of Canada, may accept the resignation of any member tendering the same, and may fill up vacancies created by death, resignation, removal from the Province or otherwise; and the member so appointed shall hold office until the next meeting of *the said general conference.*

40 Vic., c. 64, and this Act to be read as one.

5. The Act heretofore referred to and this Act shall be read as one Act.

No. 25.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the Act incorporating Alma College.

(Reprinted as Amended.)

1st Reading, 21st January, 1880.

(PRIVATE BILL.)

Mr. NAIRN.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 25.] BILL. [1880.

An Act to amend the Act incorporating Alma College.

Preamble.

WHEREAS the corporation of Alma College, constituted under the Act of the Legislature of the Province of Ontario, passed in the fortieth year of Her Majesty's reign, chaptered sixty-four, hath by its petition set forth; that in pursuance of the said Act of incorporation lands have been purchased in the town of Saint Thomas, and buildings erected thereon, for the purposes of the college, which are now nearly ready for use and occupation, at a cost, when fully equipped and furnished, of about fifty thousand dollars; and whereas a large portion of the said sum has been subscribed, *but* is not yet due or payable by the terms of the said subscription; and whereas it is desirable to provide for the immediate payment of debts arising from the contracts for building and otherwise, and for that purpose to invest the said corporation with the additional power of pledging the lands of the said college by way of mortgage, over and above the powers already conferred by said Act of incorporation; and whereas the said corporation hath prayed that the said power may be given, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Board of management authorized to mortgage college and lands.

1. In addition to the powers conferred by the said Act, the board of management of the said college for the time being, or a majority of them present at any regular meeting, or at a special meeting called for the purpose, may negotiate and enter into contracts with any person or persons, corporation or corporations, for borrowing and repaying from time to time such sum or sums of money, for such terms of years, and at such a rate of interest, as in their discretion may seem best; and for that purpose may pledge or mortgage the college, and the lands acquired or to be acquired by the said corporation of Alma College, or any part thereof, as security for the repayment of the loan or loans thus to be effected, and the interest accruing thereon; and the president and secretary of the said corporation may, under the directions of the board of management, or a majority of the members, as above stated, under the corporate seal, execute such mortgage or mortgages as may be necessary until such subscriptions are all collected and all debts of the corporation are fully discharged and paid therewith; and the whole of the moneys so borrowed shall be disposed of by the said board in liquidating and discharging debts now due or hereafter to become due on account of the said college, either for the completion, extension or enlargement of the present buildings or the erection of new ones; for the furnishing the

same with proper furniture and apparatus; for the establishment and maintenance of a library, or for any other purpose that may be within the objects of the said corporation according to the intention of the said Act of incorporation: ☞ Provided always, that no power or authority hereby granted or given shall, if exercised, in any manner, affect, prejudice, or invalidate any lien, priority, right, or incumbrance ☞(if any such there be) heretofore given, granted or created by or on behalf of the said corporation upon the said land, property, and premises or any part thereof.☜

Proviso.

S. 3 of 40 Vic., c. 64, amended.

2. Section three of the said Act is amended by inserting the word "mortgage" after the word "sell" in the nineteenth line and before the word "alienate" in the twentieth line thereof

S. 4 amended.

3. Section four of the said Act is hereby amended by changing the initial letter "J" into "I" in the eleventh line, that the name may read I. B. Aylesworth; by inserting the letter "J" between the letters "D" and "H" in the proper name of the Judge of the county of Elgin, and by making the word "Evoy" in the eighth line read "Elroy."

Vacancies in board of management.

4. Notwithstanding the provisions of the fifth section of the said Act the board of management, or a majority of the members present at a regular meeting thereof, in the intervals of the meetings of the general conference of the Methodist Episcopal Church of Canada, may accept the resignation of any member tendering the same, and may fill up vacancies created by death, resignation, removal from the Province or otherwise; and the member so appointed shall hold office until the next meeting of *the said general conference.*

Persons advancing money not bound to see to application thereof.

5. No person advancing or loaning any money to the said corporation shall, in any way, be bound to see to the application of the money so advanced or loaned.

40 Vic., c. 64, and this Act to be read as one.

6. The Act heretofore referred to and this Act shall be read as one Act.

No. 25.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the Act incorporating Alma College.

(Reprinted as Amended.)

1st Reading, 21st January, 1880.
2nd " 30th " 1880.

(PRIVATE BILL.)

Mr. NAIRN.

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET.

No. 26.] BILL. [1880.

An Act to enable the Trustees of St. Andrew's Church, Chatham, to raise ten thousand dollars to build a church and for other purposes.

Preamble.

WHEREAS it hath been made to appear by the petition of the Reverend John. R. Battisby and others, trustees and members of the Congregation of St. Andrew's Church in the town of Chatham, of the Presbyterian Church in Canada (formerly in connection with the Church of Scotland), that by Letters Patent bearing date the eighteenth day of September, in the year of our Lord one thousand eight hundred and thirty-seven, a certain parcel of land of ten acres in the said town of Chatham, and more particularly described in the said Letters Patent, was granted by the Crown to one Robert Innes and others therein named, in trust, for the benefit of the said congregation in connection with the Church of Scotland; that by the Act of the Legislature of Ontario passed in the thirty-first year of the reign of Her Majesty Queen Victoria, chaptered seventy, the trustees for the time being of said congregation were authorized and empowered to make sale of the whole or any part of the said lands and take mortgages to secure the purchase money or any part thereof as therein provided, and to apply a sum not exceeding three thousand five hundred dollars of the proceeds of such sale in aid of the erection of a new church; that by the Act passed in the thirty-eighth year of the reign of Her Majesty Queen Victoria, chaptered seventy-five, entitled, "An Act respecting the union of certain Presbyterian Churches therein named," it was declared that as soon as the union thereunder should take place "all property, real or personal, within the Province of Ontario, now belonging to or held in trust for or to the use of any congregation in connection or communion with any of the said churches, shall thenceforth be held, used and administered for the benefit of the same congregation in connection or communion with the united body under the name of 'The Presbyterian Church in Canada;'" that it has now become desirable to extend the said church or build a larger one in lieu thereof and to sell or pledge such land or mortgages aforesaid to raise money for such purposes; and that William McNaughton, Duncan McNaughton, Hugh Malcolmson, Duncan K. McNaughton, Joseph E. Peers and Andrew Coltart (John McKay having resigned his office of trustee since the last annual congregational meeting) are the present trustees acting on behalf of the said congregation; and whereas the said petitioners have prayed that additional powers may be granted to the said trustees, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Lands and mortgages vested in the said trustees.

1. The said lands now remaining unsold and all the estate and interest therein of the grantees named in the said Letters Patent and the mortgages taken by the trustees for the time being upon the portions of said lands sold under and by virtue of the powers granted by the said Act passed in the thirty-first year of the reign of Her Majesty Queen Victoria, chaptered seventy, and the lands mentioned in said mortgages (subject to the provisoes in the said mortgages contained) shall be by virtue of this Act, and from henceforth deemed to be and are hereby declared to be vested in fee-simple upon the trusts mentioned in the said patent, and subject to the provisoes contained in this Act and in the said Act passed in the thirty-first year of the reign of Her Majesty Queen Victoria, chaptered seventy (so far as they are not inconsistent with the provisions of this Act), in the said present trustees of the said congregation and their successors in office appointed as in the said Act passed in the thirty-first year of the reign of Her Majesty Queen Victoria, chaptered seventy provided, and the said trustees are hereby declared duly authorized to carry out the intention and provisions of this Act and the said Act last mentioned, notwithstanding any irregularity, if any, in their appointment.

Additional powers granted to trustees

2. The said trustees, or the trustees for the time being, or any four of them, in addition to the power which they now may have under the said Act, may sell, dispose of and convey in fee simple, free from the trusts under which the same are held, the said lands yet remaining unsold, or any part thereof, by deed similar to the form contained in the schedule to the said Act passed in the thirty-first year of the reign of Her Majesty Queen Victoria, chaptered seventy, and may, by a similar deed, sell and absolutely convey or assign, free from the trusts aforesaid, the said mortgages, or any mortgages that may hereafter be taken upon the said lands, or any portion thereof, and the lands mentioned in the said mortgages (but subject to the provisions in the mortgages contained), or mortgage, or otherwise pledge any or all the said lands or mortgages and lands therein mentioned; and it shall be sufficient if the deeds, conveyances, mortgages, pledges or assignments, or the discharge of any mortgage now taken or hereafter to be taken by the trustees for the time being, be made and executed by four or more of the trustees for the time being, or by the chairman and secretary for the time being of the said trustees, as in the said Act mentioned, and such purchasers or pledgees thereof shall not be bound to see to the application, or be liable for the misapplication, of the purchase or consideration money.

May sell mortgages.

May pledge lands or mortgages.

Trustees empowered to purchase a new site in said town,

3. The said trustees, or the trustees for the time being, shall have power to purchase a new site on which to erect a church in the said town, if authorized so to do by a majority of the members of the congregation present at a meeting duly called for that purpose.

And to apply a sum not exceeding $10,000 in erecting or extending church.

4. The said trustees, or the trustees for the time being, shall have power to apply a sum not exceeding ten thousand dollars out of the proceeds of sales of land, or of mortgages, or of moneys raised by pledge as aforesaid, in aid of the erection of a new church, or in extension of the present church building, as may be determined upon by the congregation, on the present

site or on such other site in the said town of Chatham as may be selected and purchased as aforesaid.

Trustees to invest remainder of funds.

5. The said trustees, or the trustees for the time being, shall, after the payment of all reasonable and necessary charges and expenses, and after deducting a sum not exceeding ten thousand dollars for the purposes aforesaid, together with the price paid for the new site, if authorized to purchase as aforesaid, invest the remainder (if any) of the moneys arising from the sales, transfers, mortgages or pledges aforesaid, as provided by the fourth section of the said Act passed in the thirty-first year of the reign of Her Majesty Queen Victoria, chaptered seventy.

BILL.

An Act to enable the Trustees of St. Andrew's Church, Chatham, to raise ten thousand dollars to build a Church, and for other purposes.

First Reading, 1880.

(PRIVATE BILL.)

Mr. ROBINSON, *(Kent.)*

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 26.] BILL. [1880.

An Act to enable the Trustees of St. Andrew's Church, Chatham, to raise ten thousand dollars to build a church and for other purposes.

Preamble.

WHEREAS it hath been made to appear by the petition of the Reverend John. R. Battisby and others, trustees and members of the Congregation of St. Andrew's Church in the town of Chatham, of the Presbyterian Church in Canada (formerly in connection with the Church of Scotland), that by Letters Patent bearing date the eighteenth day of September, in the year of our Lord one thousand eight hundred and thirty-seven, a certain parcel of land of ten acres in the said town of Chatham, and more particularly described in the said Letters Patent, was granted by the Crown to one Robert Innes and others therein named, in trust, for the benefit of the said congregation in connection with the Church of Scotland; that by the Act of the Legislature of Ontario passed in the thirty-first year of the reign of Her Majesty Queen Victoria, chaptered seventy, the trustees for the time being of said congregation were authorized and empowered to make sale of the whole or any part of the said lands and take mortgages to secure the purchase money or any part thereof as therein provided, and to apply a sum not exceeding three thousand five hundred dollars of the proceeds of such sale in aid of the erection of a new church; that by the Act passed in the thirty-eighth year of the reign of Her Majesty Queen Victoria, chaptered seventy-five, entitled, "An Act respecting the union of certain Presbyterian Churches therein named," it was declared that as soon as the union thereunder should take place "all property, real or personal, within the Province of Ontario, now belonging to or held in trust for or to the use of any congregation in connection or communion with any of the said churches, shall thenceforth be held, used and administered for the benefit of the same congregation in connection or communion with the united body under the name of 'The Presbyterian Church in Canada;'" that it has now become desirable to extend the said church or build a larger one in lieu thereof and to sell or pledge such land or mortgages aforesaid to raise money for such purposes; and that William McNaughton, Duncan McNaughton, Hugh Malcolmson, Duncan K. McNaughton, Joseph E. Peers and Andrew Coltart (John McKay having resigned his office of trustee since the last annual congregational meeting) are the present trustees acting on behalf of the said congregation, *having been duly appointed as such trustees under said first above mentioned Act;* and whereas the said petitioners have prayed that additional powers may be granted to the said trustees, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent

of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Lands and mortgages vested in the said trustees.

1. The said lands now remaining unsold and all the estate and interest therein of the grantees named in the said Letters Patent and the mortgages taken by the trustees for the time being upon the portions of said lands sold under and by virtue of the powers granted by the said Act passed in the thirty-first year of the reign of Her Majesty Queen Victoria, chaptered seventy, and the lands mentioned in said mortgages (subject to the provisoes, *terms and conditions* in the said mortgages contained) shall be by virtue of this Act, and from henceforth *shall be* deemed to be and are hereby declared to be vested in fee-simple upon the trusts mentioned in the said patent, and subject to the *provisions* contained in this Act and in the said Act passed in the thirty-first year of the reign of Her Majesty Queen Victoria, chaptered seventy (so far as they are not inconsistent with the provisions of this Act), in the said present trustees of the said congregation and their successors in office, *and the successor in office of the said John McKay in the preamble to this Act mentioned, appointed and to be appointed as provided* in the said Act passed in the thirty-first year of the reign of Her Majesty Queen Victoria, chaptered seventy, and *they* are hereby duly authorized to carry out the intention and provisions of this Act and the said Act *firstly above in this section mentioned,* notwithstanding any irregularity, if any, in their appointment.

Additional powers granted to trustees

2. The trustees for the time being, in addition to the power which they now have, may sell, dispose of and convey in fee simple, free from the trusts under which the same are held, the said lands yet remaining unsold, or any part thereof, by deed similar to the form contained in the schedule to the said Act passed in the thirty-first year of the reign of Her Majesty Queen Victoria, chaptered seventy, and may, by a similar deed, sell and absolutely convey or assign, free from the trusts aforesaid, the said mortgages, or any mortgages that may hereafter be taken upon the said lands, or any portion thereof, and the lands mentioned in the said mortgages (but subject to the provisions in the mortgages contained), or mortgage, or otherwise pledge any or all the said lands or mortgages and lands therein mentioned, *subject as aforesaid;* and it shall be sufficient if the deeds, conveyances, mortgages, pledges or assignments, or the discharge of any mortgage now taken or hereafter to be taken by the trustees for the time being, *if otherwise duly and properly authorized as by the said Act required,* be made and executed by four or more of the trustees for the time being, or by the chairman and secretary for the time being of the said trustees, as in the said Act mentioned, and such purchasers or pledgees thereof shall not be bound to see to the application, or be liable for the misapplication, of the purchase or consideration money.

May sell mortgages.

May pledge lands or mortgages.

Trustees empowered to purchase a new site in said town,

3. The trustees for the time being, shall have power to purchase a new site on which to erect a church in the said town, if authorized so to do by a majority of the members of the congregation, *in full communion,* present at a meeting duly called for that purpose, *in the manner and with the usual notices required to be given for such congregational meetings.*

4. The trustees for the time being, shall have power to apply a sum not exceeding ten thousand dollars out of the proceeds of sales of land, or of mortgages, or of moneys raised by pledge as aforesaid, in aid of the erection of a new church, or in extension of the present church building, as may be determined upon by *a majority of the members of the congregation in full communion, present at any such meeting duly called as aforesaid, and either* on the present site or on such other site in the said town of Chatham as may be selected and purchased as aforesaid.

And to apply a sum not exceeding $10,000 in erecting or extending church.

5. The trustees for the time being, shall, after the payment of all reasonable and necessary charges and expenses, and after deducting a sum not exceeding ten thousand dollars for the purposes aforesaid, together with the price paid for the new site, if authorized to purchase as aforesaid, invest the remainder (if any) of the moneys arising from the sales, transfers, mortgages or pledges aforesaid, as provided by the fourth section of the said Act passed in the thirty-first year of the reign of Her Majesty Queen Victoria, chaptered seventy.

Trustees to invest remainder of funds.

☞**6**. In the event of the death or resignation of the chairman or secretary of the trustees for the time being, appointed annually, as in the said Act passed in the thirty-first year of the reign of Her Majesty Queen Victoria, chaptered seventy, is provided; or in the event of the death or resignation of the chairman or secretary appointed under and by virtue of the provisions of this section, the said trustees for the time being may appoint from their own number a chairman or secretary, as the case may be, in the place or stead of, and to have the same powers as him or them so dying or resigning, and to hold office for the remainder of the annual term for which the person so dying or resigning had been appointed or elected.☜

Vacancy caused by death or resignation of chairman or secretary.

No. 26.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to enable the Trustees of St. Andrew's Church, Chatham, to raise ten thousand dollars to build a Church, and for other purposes.

(*Reprinted as Amended*).

First Reading, 20th January, 1880.

(*PRIVATE BILL.*)

Mr. ROBINSON, (*Kent.*)

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 27.] **BILL.** [1880.

An Act to Incorporate the Sault Ste. Marie and Canada Central Junction Railway.

Preamble

WHEREAS William Stratton of Sault Ste. Marie, Joseph Cozens of the same place, and Arthur Rankin of Windsor, have petitioned for an Act to incorporate a company, with power to build, operate, and maintain a line of railway from some point at or near Sault Ste. Marie, in the District of Algoma, to such point or points at, or adjacent to, French River or Lake Nipissing, as may be found most suitable and convenient for effecting a junction with the extension westward from Pembroke of the Canada Central Railway, and likewise with the proposed extension northerly of a line of railway from Bracebridge to French River or Lake Nipissing; and, whereas it is expedient to grant the prayer of their petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. William Stratton, Joseph Cozens and Arthur Rankin, together with such persons and corporations as may or shall under the provisions of this Act, become shareholders in the company hereby incorporated are constituted and declared to be a body corporate and politic, by the name of "The Sault Ste. Marie and Canada Central Junction Railway Company."

Certain clauses of R. S. O., c. 165, incorporated.

2. The several clauses of the Railway Act of Ontario, and the clauses thereof, with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors," "calls," "shares and their transfer," "shareholders," "municipalities taking stock," "by-laws, notices, etc.," "working of the railway," "actions for indemnity and fines and penalties, and their prosecution," and "general provisions," shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except so far as they may be inconsistent with the enactments thereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act as aforesaid.

Location and gauge of line.

3. The said company and their agents or servants shall have power and authority to lay out and construct a single or double iron or steel railway of such gauge as shall correspond with that of the Canada Central Railway, from such point as they may find most suitable on the River Ste. Marie, at or near Sault Ste. Marie, touching, if they think proper, at or near the Bruce Mines, the

entrance of the Theselon, the mouth of Spanish River, Killarney, or any other harbour on the Georgian Bay, to such point or points at or adjacent to French River or Lake Nipissing as may be found most suitable and convenient for effecting a junction with the Canada Central Railway, and also with a line of railway extending northwards from Bracebridge or any other point in the District of Muskoka to French River or Lake Nipissing: and the said railway may be built by sections.

Power to build wharves, etc.

4. The said company shall have power to build on the shores of the River Ste. Marie, at the western terminus of their line or adjacent thereto, also, at or near the Bruce Mines, the entrance of the Theselon, the mouth of Spanish River, Killarney, or any other harbour on the Georgian Bay near which their line passes, such wharves, docks, warehouses, elevators, or other structures, as they may require; also, to build, purchase, or charter, such steamers, ships, boats, or craft of any kind, as they see fit, to be used either for railway ferry purposes or in navigating any of the said rivers or adjacent waters, in the interest or for the purposes of said company.

Provisional Directors.

5. William Stratton, Joseph Cozens and Arthur Rankin shall be and are hereby constituted a board of provisional directors of the said company.

Powers of provisional Directors.

6. The provisional directors, of whom a majority shall be a quorum, shall have power to fill vacancies occurring and to add not more than five to their number, and shall hold office as such until the first election of directors under this Act; and shall have power forthwith to open stock-books and procure subscriptions of stock for the undertaking, and to receive payment for stock subscribed, and make calls upon subscribers in respect of their stock, and to sue for and recover the same; and to cause plans and surveys to be made; and to deposit in any chartered bank of Canada all money or moneys received by them on account of stock subscribed, and to withdraw the same for the purposes of the undertaking; and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as, under the Railway Act of Ontario, are vested in ordinary directors; the said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock, who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion, or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation, the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion shall best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at Ottawa, Montreal or Toronto, as may best suit the interest and convenience of the company.

Form of conveyance.

7. Conveyances of lands to the said company for the purposes of this Act may be made in the form set out in Schedule A, hereunder written, or to the like effect, and the same shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Capital stock.

8. The capital stock of the said company shall be one million dollars in ten thousand shares of one hundred dollars each, (with power to increase the same in the manner provided by the Railway Act), and the money so raised shall be applied, in the first place, to the payment of all fees and expenses for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and all other preliminary expenses connected with the undertaking; and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the said railway, and otherwise generally for the purposes of this Act.

Election of Directors.

9. When and so soon as fifty thousand dollars of the capital stock of the said company shall have been subscribed, and ten per cent., of the amount so subscribed paid in, the provisional directors, or a majority of them, may call a meeting of the subscribers to such stock at such time and place as they shall think most convenient, giving not less than two weeks' notice in such newspapers published either in Ottawa, Montreal, or Toronto, as they think proper, at which meeting and at the annual general meetings, in the following sections mentioned, the shareholders present shall elect a Board of not less than seven, nor more than nine directors, in the manner and qualified as hereinafter provided, which directors shall hold office till the first Wednesday in June in the year after their election.

Annual meetings.

10. On the first Wednesday in June in each and every year after the shareholders have elected their first board of directors, there shall be held at the head office of the company a general meeting of the stockholders, at which a board of not less than seven nor more than nine directors shall be elected for the ensuing year, in the manner hereinafter provided. Public notice of such annual meeting shall be advertised at least two weeks previously in one newspaper in the cities of Ottawa, Montreal and Toronto, and the election of directors shall be by ballot, and the persons so elected shall be the board of directors of the company hereby incorporated.

Directors authorized to make certain payments in stock or bonds.

11. The directors may pay, or agree to pay, either in paid up stock, or bonds of the company, such sums as they may deem expedient, to engineers, or contractors, or for right of way, material, plant, or rolling stock, and also,—subject to the sanction by a vote of shareholders at any general meeting—for the services of promoters or other persons, who, in the opinion of the board, may be, or have been instrumental in furthering the

interests of the company, whether such promoters be corporators or not.

Special meetings.

12. Special general meetings may be convened at any time, when in the opinion of the board, the interests of the shareholders may be promoted thereby, and such meetings may be held at such time and place as the directors may think most convenient for the stockholders.

Ten per cent. to be paid on subscription for stock.

13. No subscription for shares shall be valid or binding on the company, unless ten per cent., of the sum subscribed has been paid into some chartered bank, or banks, to be designated by the provisional directors, or by the elected board, after the organization of the company, to the credit of said company, within a period to be indicated by the board.

Quorum.

Proviso.

14. A majority of the directors shall form a quorum for the transaction of business, and the said board of directors may employ one of their number as paid director: Provided however that no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of said company, and shall have paid up the last call upon the stock.

Calls.

15. The directors may at any time call upon the shareholders for instalments upon each share which they, or any of them, may hold in the capital stock of the said company, in such proportions as they may see fit, no such instalment exceeding ten per centum, and the directors shall give one month's notice of such call, in such manner as they may direct.

Aid to company from government, etc.

16. The said company may receive from any government, or from any persons, or bodies corporate, municipal, or politic, who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway, by way of bonus, gift, or loan, in money or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Power to issue bonds.

Proviso.

17. The directors of the said company, after the sanction of the shareholders or a majority thereof shall have first been obtained at any special general meeting, to be called from time to time for such purpose or purposes, shall have power to issue bonds, not exceeding twelve thousand dollars per mile, of said railway, made and signed by the president of the said company and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting said undertaking; and such bonds shall without registration or formal conveyance, be taken and considered to be the first preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, pro rata, with all the holders thereof, upon the undertaking and property of the company as aforesaid: Provided that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next general annual meeting of the said company, all holders of bonds shall have and possess the same

rights, privileges and qualifications for directors and for voting as are attached to shareholders: Provided further that the bonds and any transfers shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same, on being required to do so by any holder thereof. Proviso.

18. All such bonds, debentures, and other securities, and coupons and interest warrants thereon respectively may be made payable to bearer and transferable by delivery, and any holder of any such, so made payable to bearer, may sue at law thereon in his own name. Bonds, etc., transferable by delivery.

19. The said company shall have power and authority to become parties to promissory notes and bills of exchange, and any such promissory note or bill of exchange made or endorsed by the president or vice-president of the company and countersigned by the secretary of the said company, and under authority of a quorum of the directors, shall be binding on the said company; and every such note or bill so made shall be presumed to have been made with proper authority, until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such note or bill, nor shall the president, vice-president, or the secretary, be individually responsible for the same, unless the said note or notes, bill or bills, have not been issued with the sanction and authority of the directors as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank. Power to become parties to notes, etc. Proviso.

20. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, for gravel pits, or for shunting cars, maintaining or using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is run, the company can obtain at a more reasonable price or to greater advantage than by purchasing the allowance for the railway line only, the company may purchase, hold, use, and enjoy such lands, and also the right of way thereto if the same be separated from their railway, and sell and convey the same, or any part thereof, from time to time as they may deem expedient. Power to acquire whole lots though less would suffice.

21. The said company may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the power of this Act, to issue for the construction of this railway. Power to pledge bonds.

22. The said company shall have power to lease from any equipment company or other body, any rolling stock that may be required for use on the said railway, and may, with the sanction of a majority of the shareholders, obtained at a special meeting called for that purpose, make any contract or agreement with any person or corporation, domestic or foreign. Contracts with other companies.

23. For the purpose of constructing, working, or protecting the telegraph lines to be constructed by the said company on their line of railway, the powers conferred on telegraph com- Telegraph lines.

panies, by the Act respecting electric telegraph companies, are hereby conferred on the said company, and the other provisions of the said Act for the working and protection of telegraph lines, shall apply to such telegraph lines, constructed by the company hereby incorporated.

Aliens and foreign corporations authorized to hold stock.

24. Aliens, and companies incorporated abroad, as well as British subjects, and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this province or elsewhere, shall be entitled to vote on their shares, equally with British subjects, and shall also be eligible to office as directors of the said company.

Collection of back charges on freight.

25. The said company shall have power to collect and receive all charges, subject to which goods or commodities may come into their possession, and on payment of back charges, and without any formal transfer, shall have the same lien for the amount thereof, upon the said goods and commodities, as the person to whom such charges were originally due, and be subrogated by such payment, in all the rights and remedies of such persons, for such charges.

Commencement and completion of railway.

26. This railway shall be commenced within three, and finished within seven years from the passing of this Act.

SCHEDULE A.

(Section 7.)

Know all men by these presents, that I, *(or* we,) *(insert also the name of wife, or any person who may be a party,)* in consideration of dollars, paid to me *(or* us, *as the case may be)* by the Sault Ste. Marie and Canada Central Junction Railway Company, the receipt whereof is hereby acknowledged, do grant, and convey, and I *(or* we), the said do grant and release all that certain parcel or tract of land *(describe the land)*, the same having been selected and laid out by the said company for the purposes of their railway, to hold, with the appurtenances, unto the said Sault Ste. Marie and Canada Central Junction Railway Company, their successors and assigns, and I, *(or* we) the wife *(or* wives) of the said do hereby bar my *(or* our) dower in the said lands. As witness my *(or* our) hand and seal *(or* hands and seals) this day of one thousand eight hundred and

Signed, sealed and delivered in presence of

[L.S.]

No. 27.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to Incorporate the Sault Ste. Marie and Canada Central Junction Railway Company.

1st Reading, 1880.

(PRIVATE BILL.)

Mr.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 28.] BILL. [1880.

An Act respecting the London Junction Railway Company.

Preamble.

WHEREAS the London Junction Railway Company have by their petition, prayed for an extension of the time fixed for the construction of the railway authorized by their Act of incorporation; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Time for commencement and completion of railway extended.

1. The time limited by the Act of incorporation of said company for the commencement of the said railway, is hereby extended for two years from the passing of this Act, and the time for the completion thereof is hereby extended for four years from the passing of this Act, and all powers and privileges conferred upon the said company, or upon any other corporation in relation to the said company by the said Act, shall continue to be enjoyed by them, and every provision conferring such powers shall continue in force notwithstanding the expiry of the times fixed for the commencement and completion of the said railway.

Aid by gift of real or personal property.

2. Any corporation authorized by the said Act to aid the said company by way of bonus, may also do the same by gift to the said company of any real or personal property.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting the London Junction Railway Company.

1st Reading, , 1880.

(PRIVATE BILL.)

Mr. WELLS.

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET.

No. 29.] **BILL.** [1880.

An Act to legalize certain By-laws of the Town of Orillia and of the County of Simcoe.

Preamble.

WHEREAS the municipal council of the corporation of the town of Orillia did, on the fourth day of August, in the year of our Lord one thousand eight hundred and seventy-nine, pass a By-law, after the same was duly approved by the ratepayers of the said town, intituled "A By-law to raise by way of Debentures the sum of Twenty-nine Thousand Dollars for the purpose of redeeming certain other Debentures for a like sum due by the Town of Orillia to the holders thereof," and which said By-law is numbered one hundred and thirteen; and whereas the corporation of the county of Simcoe, through the council thereof, did, on the twentieth day of June, in the year of our Lord one thousand eight hundred and seventy-nine, pass a By-law intituled "By-law number three hundred and seventeen, to guarantee certain Debentures of the Corporation of the Town of Orillia," whereby the said corporation of the said county of Simcoe agreed to guarantee the payment of the principal and interest of the debentures to be issued under the said By-law number one hundred and thirteen of the town of Orillia; and whereas, in consequence of certain formal defects in the said by-laws, doubts exist as to their validity; and whereas the municipal council of the corporation of the town of Orillia have petitioned, praying that, for the purpose of removing all doubts as to the validity of the said by-laws, arising from defects, either of form or substance, an Act may be passed to confirm and legalize said By-law number one hundred and thirteen of the said town of Orillia, and said By-law number three hundred and seventeen of the corporation of the county of Simcoe; and whereas it is expedient to grant the prayer of said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law 113 of the Town of Orillia declared valid.

1. The said By-law number one hundred and thirteen of the municipal council of the corporation of the town of Orillia, above in part recited, is hereby confirmed and declared legal and valid to all intents and purposes, and the debentures issued, or to be issued under the said By-law, are hereby declared valid and binding upon the said corporation of the town of Orillia and the ratepayers thereof.

By-law 317 of the County of Simcoe declared valid.

2. The said by-law number three hundred and seventeen of the corporation of the county of Simcoe, above in part recited, is hereby declared to be legal and valid to all intents and purposes, and the payment of all debentures guaranteed, or intended to be guaranteed thereby, shall be and is hereby declared to be legal, valid and binding.

No. 29.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to legalize certain By-laws of the Town of Orillia, and County of Simcoe.

1st Reading, 1880.

(PRIVATE BILL.)

Mr. Cook.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 30.] BILL. [1880.

An Act to incorporate the Village of Wiarton.

Preamble.

WHEREAS the population of the town plot of Wiarton, now numbering over seven hundred and fifty, is rapidly increasing, and owing to the situation and location of the said town plot at the head of Colpoy's Bay on the Georgian Bay, the proposed terminus of the Stratford and Lake Huron Railway, it is likely to attract a large shipping trade; And whereas the inhabitants of the said town plot, at a public meeting, passed a resolution in favour of incorporating the said town plot as a village, and have by their petitions represented that such incorporation would promote its future progress and prosperity, and enable them to make suitable regulations for the protection and improvement of property, and to carry out improvements they are desirous of making, and prayed for an Act accordingly; And whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation of the village of Wiarton.

1. On and after the passing of this Act, the inhabitants of the said town plot of Wiarton, comprised within the boundaries hereinafter mentioned, shall be, and they are hereby constituted a corporation or body politic, under the name of "The Corporation of the Village of Wiarton," apart from the township of Amabel, in the county of Bruce, and the township of Keppel, in the county of Grey, in which townships the said town plot is situated, and shall enjoy all such rights, powers, and privileges as are now, or shall hereafter be conferred upon incorporated villages in the Province of Ontario.

Boundaries.

2. The said village of Wiarton shall consist of the whole of the town plot of Wiarton, by the old and by the new surveys, made by C. Rankin, Esquire, Provincial Land Surveyor, that is to say:—Commencing at Colpoy's Bay, in the township of Keppel, in the county of Grey, at the north-east angle of park lot P; thence south forty-six degrees ten minutes east, fifty-two chains and fifteen links, more or less, to the north-east corner of park lot S; thence south two degrees east, six chains and forty-five links to the road between the twenty-first and twenty-second concessions; thence south eighty-eight degrees west, along said road, ninety-five chains and thirty-five links to the town-line between the counties of Grey and Bruce; thence across said town-line into the county of Bruce, south eighty-eight degrees west, one hundred and one chains and eighty-eight links to the south-west angle of lot number five in the sixth range of park lots; thence north two degrees west,

one hundred chains and twenty-five links to the north-west angle of park lot number five in the third range of park lots, or to the line between concessions twenty-three and twenty-four; thence north eighty-eight degrees east, one hundred chains and eighty-eight links to the town-line between the counties of Bruce and Grey; thence across said town-line into the township of Keppel, north eighty-eight degrees east, nineteen chains, more or less, to the waters of Colpoy's Bay; and also all water lots from the north-east corner of park lot P to the north-east corner of park lot A, fronting on said Colpoy's Bay.

First election of reeve and councillors.

3. Immediately after the passing of this Act it shall be lawful for James Grier, Esquire, of the said village, who is hereby appointed the returning officer, to hold the nomination for the first election of reeve, and four councillors, at the Agricultural Hall, in the said village, at the hour of noon; and he shall give not less than one week's notice thereof by at least six bills posted up in conspicuous places in the said village, and by publication in the newspaper called the *Wiarton Echo*, and he shall preside at such nomination, or, in case of his absence, the electors present shall choose from among themselves a chairman to officiate, who shall have all the powers of a returning officer; and the polling for the said election, in the event of there being a poll required, shall be held on the same day of the week in the week next following the said nomination, and at the same place, and the duties of the returning officer shall be those prescribed by law with respect to incorporated villages.

Qualification of electors and officers.

4. At the said first election the qualification of the electors, and of the reeve and councillors, shall be the same as that required in townships; and at all subsequent elections the qualification of electors, and of the reeve, councillors, and other officers, shall be the same as that required in incorporated villages.

Township clerks to furnish copies of rolls.

5. The township clerks of Amabel and Keppel respectively shall furnish to the said returning officer, upon demand made upon them for the same, a certified copy of so much of the last revised assessment rolls for the said townships respectively as may be required to ascertain the names of the persons entitled to vote at such first election, or with the collector's roll, or with any document, writing or statement, that may be required for that purpose, which copies shall be verified on oath

First meeting of Council.

6. The reeve and councillors so to be elected shall hold their first meeting at the said Agricultural Hall, at the hour of noon, on the same day of the week in the week next following the polling, or if there be no polling, on the same day of the week in the week next following the nomination.

Rights and liabilities as between the village and townships.

7. The council of the said village of Wiarton shall be entitled to recover from the said townships of Amabel and Keppel such shares of all moneys on hand, due, owing and of right collectable by, and belonging to the said townships at and prior to the time of incorporation, or thereafter, if entitled thereto, as shall bear such proportion to the whole as the amount of the assessed property within the limits of the said village, as

shewn by the collector's roll of the year one thousand eight hundred and seventy-nine, bears to the whole amount of the assessed property of the said townships of Amabel and Keppel respectively, each to each, and the said village shall be liable to pay to each of the said townships its share in the same proportion of all debts and liabilities existing against the said townships at the time this Act shall come into force, as the same shall become due, and which are fairly and equitably chargeable against the said village; and, in case of dispute, the share to be borne by each respectively, shall be ascertained and settled under the provisions of the municipal laws of Ontario.

Revised Statutes respecting municipal institutions to apply

8. Except as otherwise provided by this Act, the provisions of the Revised Statutes of Ontario respecting municipal institutions with regard to matters consequent upon the formation of new corporations, and other provisions of the said statutes applicable to incorporated villages, shall apply to the village of Wiarton in the same manner as they would have been applicable had the said village of Wiarton been incorporated under the provisions of the said statutes.

The village of Wiarton to form part of the county of Bruce.

9. The said village of Wiarton shall, for all municipal, judicial, electoral and school purposes, and also for the purpose of registration of titles affecting lands, belong to and form part of the county of Bruce.

Expense of Act.

10. The expenses of obtaining this Act, and of furnishing any documents, copies of papers, writings, deeds, or any matter whatsoever required by the clerk of the said village, or other officers of the said village, or otherwise, shall be borne by the said village, and paid by it to any party that may be entitled thereto.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to incorporate the Village of Wiarton.

First Reading, 1880.

(PRIVATE BILL.)

Mr. SINCLAIR.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 30.] BILL. [1880.

An Act to incorporate the Village of Wiarton.

Preamble.

WHEREAS the inhabitants of the *surveyed town plot of Wiarton*, at a public meeting, passed a resolution in favour of incorporating the said town plot as a village, and have by their petitions represented that such incorporation would promote its future progress and prosperity, and enable them to make suitable regulations for the protection and improvement of property, and to carry out improvements they are desirous of making, and prayed for an Act accordingly; And whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation of the village of Wiarton.

1. On and after the passing of this Act, the inhabitants of *so much of* the said town plot of Wiarton *as is* comprised within the boundaries hereinafter mentioned, shall be, and they are hereby constituted a corporation or body politic, under the name of "The Corporation of the Village of Wiarton," apart from the township of Amabel, in the county of Bruce, and the township of Keppel, in the county of Grey, in which townships the said town plot is situated, and shall enjoy all such rights, powers, and privileges as are now, or shall hereafter be conferred upon incorporated villages in the Province of Ontario.

Boundaries.

2. The said village of Wiarton shall consist of *so much* of the town plot of Wiarton, by the old and by the new surveys, made by C. Rankin, Esquire, Provincial Land Surveyor, *as is comprised within the boundaries following, that is to say:* —Commencing at Colpoy's Bay, in the township of Keppel, in the county of Grey, at the north-east angle of park lot P; thence south forty-six degrees ten minutes east, fifty-two chains and fifteen links, more or less, to the north-east corner of park lot S; thence south two degrees east, six chains and forty-five links to the road between the twenty-first and twenty-second concessions; thence south eighty-eight degrees west, along said road, ninety-five chains and thirty-five links to the town-line between the counties of Grey and Bruce; thence across said town-line into the county of Bruce, south eighty-eight degrees west *to the south-west angle of lot number one in the second range of park lots as laid down on the maps of said town plot;* thence north two degrees west, *along and following the westerly limit of the park lots in said second range* to the line between concessions twenty-three and twenty-four *in said township of Amabel*; thence north eighty-eight degrees east, to the town-line between the counties of Bruce

and Grey; thence across said town-line into the township of Keppel, north eighty-eight degrees east, nineteen chains, more or less, to the waters of Colpoy's Bay; and *shall consist also of* all water lots from the north-east corner of park lot P to the north-east corner of park lot A, fronting on said Colpoy's Bay, *as laid down on said maps and surveys.*

First election of reeve and councillors.

3. Immediately after the passing of this Act it shall be lawful for James Grier, Esquire, of the said village, who is hereby appointed the returning officer, to hold the nomination for the first election of reeve, and four councillors, at the Agricultural Hall, in the said village, at the hour of noon; and he shall give not less than one week's notice thereof by at least six bills posted up in conspicuous places in the said village, and by publication in *some* newspaper (*if any*) *published within the said village*, and he shall preside at such nomination, or, in case of his absence, the electors present shall choose from among themselves a chairman to officiate, who shall have all the powers of a returning officer; and the polling for the said election, in the event of there being a poll required, shall be held on the same day of the week in the week next following the said nomination, and at the same place, and the duties of the returning officer shall be those prescribed by law with respect to incorporated villages.

Qualification of electors and officers.

4. At the said first election the qualification of the electors and of the reeve and councillors *for the said village*, shall be the same as that required in townships; and at all subsequent elections the qualification of electors, and of the reeve, councillors, and other officers, shall be the same as that required in incorporated villages.

Township clerks to furnish copies of rolls.

5. The township clerks of Amabel and Keppel respectively shall furnish to the said returning officer, upon demand made upon them for the same, a certified copy of so much of the last revised assessment rolls for the said townships respectively as may be required to ascertain the names of the persons entitled to vote at such first election, or with the collector's roll, or with any document, writing or statement, that may be required for that purpose.

First meeting of Council.

6. The reeve and councillors so to be elected shall hold their first meeting at the said Agricultural Hall, at the hour of noon, on the same day of the week in the week next following the polling, or if there be no polling, on the same day of the week in the week next following the nomination.

Revised Statutes respecting municipal institutions to apply

7. Except as otherwise provided by this Act, the provisions *of "The Municipal Act" and of all other general Acts* respecting municipal institutions with regard to matters consequent upon the formation of new corporations, and other provisions of the said *Acts* applicable to incorporated villages, shall apply to the village of Wiarton in the same manner as they would have been applicable had the said village of Wiarton been incorporated under the provisions of the said *Acts.*

The village of Wiarton to form part of the county of Bruce.

8. The said village of Wiarton shall, for all municipal, judicial, electoral and school purposes, and also for the purpose of registration of titles affecting lands, belong to and form part of the county of Bruce.

9. The expenses of obtaining this Act, and of furnishing any documents, copies of papers, writings, deeds, or any matter whatsoever required by the clerk of the said village, or other officers of the said village, or otherwise, shall be borne by the said village, and paid by it to any party that may be entitled thereto. Expense of Act.

No. 30.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to incorporate the Village of Wiarton.

(Reprinted as Amended.)

1st Reading, 23rd January, 1880.

(PRIVATE BILL.)

Mr. SINCLAIR.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 30.] **BILL.** [1880.

An Act to incorporate the Village of Wiarton.

Preamble.

WHEREAS the inhabitants of the *surveyed town plot of Wiarton*, at a public meeting, passed a resolution in favour of incorporating the said town plot as a village, and have by their petitions represented that such incorporation would promote its future progress and prosperity, and enable them to make suitable regulations for the protection and improvement of property, and to carry out improvements they are desirous of making, and prayed for an Act accordingly; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation of the village of Wiarton.

1. On and after the passing of this Act, the inhabitants of *so much of* the said town plot of Wiarton *as is* comprised within the boundaries hereinafter mentioned, shall be, and they are hereby constituted a corporation or body politic, under the name of "The Corporation of the Village of Wiarton," apart from the township of Amabel, in the county of Bruce, and the township of Keppel, in the county of Grey, in which townships the said town plot is situated, and shall enjoy all such rights, powers, and privileges as are now, or shall hereafter be conferred upon incorporated villages in the Province of Ontario.

Boundaries.

2. The said village of Wiarton shall consist of *that part* of the town plot of Wiarton, *as the same was laid out and surveyed* by the old and new surveys, made by C. Rankin, Esquire, Provincial Land Surveyor, *which is comprised within the boundaries following, that is to say:*—Commencing at Colpoy's Bay, in the township of Keppel, in the county of Grey, at the north-east angle of park lot P, *as the said lot is laid down in the said surveys and the maps thereof*; thence south forty-six degrees ten minutes east, *forty-six chains and fifteen links*, more or less, to the north-east corner of park lot S, *as said lot S is laid down on said surveys and maps*; thence south two degrees east, six chains and forty-five links, *more or less, to the centre of* the road between the twenty-first and twenty-second concessions *in said township of Keppel*; thence south eighty-eight degrees west, along *the centre of* said road, ninety-five chains and thirty-five links, *more or less*, to the town-line between the counties of Grey and Bruce; thence across said town-line into the county of Bruce, south eighty-eight degrees west *along and following the centre of said road to the south-west angle of lot number one in the second range of park lots as laid down on surveys and maps of said town plot;* thence north two degrees west, *along and following the*

westerly limit of the park lots in said second range to the *centre of the road* between concessions twenty-three and twenty-four *in the township of Amabel*; thence north eighty-eight degrees east, *along and following said centre of said last mentioned road,* to the town-line between the counties of Bruce and Grey; thence across said town-line into the township of Keppel, north eighty-eight degrees east, *along and following the centre line of said last mentioned road,* nineteen chains, more or less, to the waters of Colpoy's Bay; and thence southerly and easterly along and following the water's edge of Colpoy's Bay to the place of beginning, and including therein all water lots fronting on said Colpoy's Bay within the limits aforesaid.

First election of reeve and councillors.

3. Immediately after the passing of this Act it shall be lawful for James Grier, Esquire, of the said village, who is hereby appointed the returning officer, to hold the nomination for the first election of reeve, and four councillors, at the Agricultural Hall, in the said village, at the hour of noon; and he shall give not less than one week's notice thereof by at least six bills posted up in conspicuous places in the said village, and by publication in *some* newspaper (*if any*) *published within the said village,* and he shall preside at such nomination, or, in case of his absence, the electors present shall choose from among themselves a chairman to officiate, who shall have all the powers of a returning officer; and the polling for the said election, in the event of there being a poll required, shall be held on the same day of the week in the week next following the said nomination, and at the same place, and the duties of the returning officer shall be those prescribed by law with respect to incorporated villages.

Qualification of electors and officers.

4. At the said first election the qualification of the electors and of the reeve and councillors *for the said village,* shall be the same as that required in townships; and at all subsequent elections the qualification of electors, and of the reeve, councillors, and other officers, shall be the same as that required in incorporated villages.

Township clerks to furnish copies of rolls.

5. The township clerks of Amabel and Keppel respectively shall furnish to the said returning officer, upon demand made upon them for the same, a certified copy of so much of the last revised assessment rolls for the said townships respectively as may be required to ascertain the names of the persons entitled to vote at such first election, or with the collector's roll, or with any document, writing or statement, that may be required for that purpose.

First meeting of Council.

6. The reeve and councillors so to be elected shall hold their first meeting at the said Agricultural Hall, at the hour of noon, on the same day of the week in the week next following the polling, or if there be no polling, on the same day of the week in the week next following the nomination.

Acts respecting municipal institutions to apply

7. Except as otherwise provided by this Act, the provisions of "*The Municipal Act*" and *of all other general Acts* respecting municipal institutions with regard to matters consequent upon the formation of new corporations, and other provisions of the said *Acts* applicable to incorporated villages, shall

apply to the village of Wiarton in the same manner as they would have been applicable had the said village of Wiarton been incorporated under the provisions of the said *Acts*.

The village of Wiarton to form part of the county of Bruce.

8. The said village of Wiarton shall, for all municipal, judicial, electoral and school purposes, and also for the purpose of registration of titles affecting lands, belong to and form part of the county of Bruce.

Expense of Act.

9. The expenses of obtaining this Act, and of furnishing any documents, copies of papers, writings, deeds, or any matter whatsoever required by the clerk of the said village, or other officers of the said village, or otherwise, shall be borne by the said village, and paid by it to any party that may be entitled thereto.

No. 30.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to incorporate the Village of Wiarton.

(Reprinted as Amended.)

1st Reading, 23rd January, 1880.
2nd Reading, 30th January, 1880.

(PRIVATE BILL.)

Mr. SINCLAIR.

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET.

No. 31.] BILL. [1880.

An Act to separate the Townships of King, Whitchurch, East Gwillimbury, North Gwillimbury and Georgina, and the Villages of Newmarket, Aurora, Holland Landing and Stouffville, from the County of York and to erect the same into the County of .

Preamble.

WHEREAS the population of the Townships of King, Whitchurch, East Gwillimbury, North Gwillimbury and Georgina, and of the Villages of Newmarket, Aurora, Holland Landing and Stouffville, is about twenty-five thousand, and the assessed value of the property comprised therein is about eleven million six hundred and twenty thousand eight hundred and sixty-nine dollars; and whereas the said municipalities are inconveniently distant from the City of Toronto, their County Town, and the said County of York, is of an unwieldy size; and whereas the said municipalities are of such size and wealth, and their relative situation and trade relations are such as to render it fitting that they should (with the approval of the people) be formed into a new county; and whereas divers petitions have been presented praying for the passing of this Act, and it is expedient to comply with the prayer of such petitions:—

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Provisional Council.

1. The reeves and deputy reeves of the Townships of King, Whitchurch, East Gwillimbury, North Gwillimbury and Georgina, and of the Villages of Newmarket, Aurora, Holland Landing and Stouffville, shall form a provisional Municipal Council, under the style and name of the "Provisional Council of the County of ," for the purposes of this Act.

Meeting of Provisional Council.

2. It shall, upon the written request of any four of the reeves and deputy reeves of the said townships and villages aforesaid, be the duty of the reeve of Newmarket to call a meeting of the reeves and deputy reeves of the said townships and villages, at such place and hour within the Village of Newmarket as he shall appoint; and a notice of such meeting shall be inserted in at least one newspaper published within the proposed county, and a copy of such notice sent by mail or otherwise to each of such reeves and deputy reeves at least ten days before the day appointed for such meeting: and the said Provisional Council shall at the first meeting thereof to be held under this Act, proceed to elect a provisional warden, after which, at the same meeting or some adjournment thereof, they shall proceed to pass a by-law for the purpose of taking

a vote of the qualified municipal electors of the townships and villages aforesaid, on the question of the separation and erection into a new county, by vote to be specially taken for that purpose, each qualified elector having one vote, and voting "yea" or "nay," after at least ten days' notice shall have been given, in the manner to be provided by such by-law, of the time and places when and where the said vote is to be taken.

Council to adjourn if majority of electors oppose separation.

3. The Provisional Council shall meet on the requisition of the warden on some day after the day or days appointed for taking such vote, and proceed in open council to ascertain the number of votes recorded "yea" and "nay," and if the result shall shew that a majority of the votes recorded are "nay," then after making a record of the same in the minutes of the said Provisional Council, the said council shall adjourn *sine die*, and be called together again only on the written request of a majority of the reeves and deputy reeves of the said townships and villages in manner as aforesaid.

Proclamation of county town.

4. If the result shall shew that a majority of the votes recorded are "yea," the said Provisional Council shall make a record thereof in their minutes, and in that event the Lieutenant-Governor in Council shall, on the declaration of the provisional warden declaring the result of such vote, by proclamation, name the county town of such proposed county.

County buildings.

5. The said Provisional Council shall and may thereafter pass a by-law for providing means for purchasing and acquiring lands, and erecting the necessary county buildings thereon at the county town to be named in the proclamation aforesaid; but before its final passing such by-law shall be submitted to the municipal electors of the said new county, and a vote shall be taken on the same in like manner as provided by the two hundred and eighty-sixth section of chapter one hundred and seventy-four of the Revised Statutes of Ontario, entitled "An Act respecting Municipal Institutions," and after passing such by-law, the said Provisional Council shall proceed to erect the necessary county buildings.

Proclamation of new county.

6. After the necessary buildings shall have been erected as aforesaid, it shall be lawful for the Lieutenant-Governor in Council, by proclamation, to declare the said townships and villages separated from the said County of York, and declare them to be formed into a new county, under the name of the County of , for all judicial and municipal purposes, unless proclamation in that behalf has previously issued under the provisions of this Act, but until the issue of such proclamation the said townships and villages shall remain as at present connected with the County of York for all such purposes.

Powers of Provisional Council before Proclamation.

7. The Provisional Council aforesaid shall, prior to such proclamation, have only the powers specially given to it by the preceding sections of this Act.

Powers after Proclamation.

8. After such proclamation the Provisional Council shall and may have and exercise all the rights, powers, privileges and duties conferred on provisional municipal councils by law; and the provisions of any law in force in this province in any

wise affecting or relating to the proceedings consequent upon the dissolution of the union of counties shall apply, so far as applicable, to the separation of the townships and villages aforesaid from the County of York, and the erection thereof into a new county.

Municipal law to apply to new county.

9. After such proclamation, the law in force respecting municipal institutions of this Province, shall, as far as they are applicable and not inconsistent with this Act apply to the County of

Payment of debts and division of assets.

10. After such proclamation the Corporations of King, Whitchurch, East Gwillimbury, North Gwillimbury, Georgina, Newmarket, Aurora, Holland Landing and Stouffville, shall respectively pay to the Corporation of the County of York, such proportion of the then outstanding debt of the County of York, and in such manner as may be determined under the said Act respecting municipal institutions; and the corporation of the County of shall receive from the Corporation of the County of York, from which it is separated, a just proportion of the real estate and other assets of the said County of York.

Provision for expenses of taking vote.

11. In case the majority of the votes recorded under the provisions of section three of this Act are "nay," it shall be the duty of the provisional warden to certify to the County Council of the County of York, the amount of the necessary expenses attending the taking of such vote, and it shall thereafter be the duty of such council to pay such expenses, and to levy on the Townships of King, Whitchurch, East Gwillimbury, North Gwillimbury and Georgina, and the Villages of Newmarket, Aurora, Holland Landing and Stouffville, such additional rate over and above the ordinary rate, as shall be necessary to raise the amount so paid for such expenses.

No. 31.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to separate the Townships of King, Whitchurch, East Gwillimbury, North Gwillimbury and Georgina, and the Villages of Newmarket, Aurora, Holland Landing and Stouffville from the County of York, and to erect the same into the County of

1st Reading, 1880.

(PRIVATE BILL.)

Mr. WIDDIFIELD.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 32.] BILL. [1880.

An Act to incorporate the Grand Ontario Central Railway Company.

Preamble. WHEREAS, the construction of a Railway from the Town of Goderich to the City of Ottawa is a work of Provincial importance as a second and direct outlet to the seaboard for the produce of this Province, and as a military and emigration line remote from the frontier; and, whereas, it is expedient that such Railway should be constructed;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation. **1.** H. Y. Attrell, Malcolm Colin Cameron, M.P., Horace Horton, Joseph Williams, Christopher C. Crabb, Francis Jordan, J. W. Scott, David Drummond Hay, M.P.P., D. D. Campbell, J. E. Tamblyn, M.D., Benjamin Wilson, John Leckie, Patrick Kelly, Matthew Ronan, George P. Hughes, William McDermott, Thomas Phillips, William Henry Hammell, William Train, David Alanson Jones, William Noble Whiteside, M. B., I. J. Gould, George Wheler, Ira G. Crosby, A. T. Button, Joseph Bigelow, Jacob Lemon Whiteside, LL.B., William Kane, Matthew Brandon, William Henry Hunter, James J. Pearson, W. H. Ashworth, E. B. Man, Faulkner C. Stewart, Wm. Parsons, Joseph Patullo, E. Major, M. Currie, Edward A. Colquhoun, George A. Noland, Christopher Cook, and John T. Conner, together with such persons and corporations as shall in pursuance of this Act become shareholders in the said company hereby incorporated, shall become and are hereby declared to be a body corporate and politic, by the name of the "Grand Ontario Central Railway Company."

Name.

Certain clauses of R. S. O. c. 165, incorporated. **2.** The several clauses of the Railway Act of Ontario, and the clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors," "calls," "shares and their transfer," "shareholders," "municipalities taking stock," "by-laws, notices, &c." "working of the railway," "actions for indemnity, and fines, and penalties, and their prosecution," and "general provisions," shall be incorporated with and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except so far as they may be inconsistent with the enactments thereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act as aforesaid.

Location of line. **3.** The company hereby incorporated and their agents or servants shall have full power and authority under this Act to

lay out, construct, and finish a double or single steel railway from a point near or within the town of Goderich, and continuing the same through the counties of Huron, Perth, Wellington, and Dufferin, to Beeton, in the county of Simcoe, thence through the counties of Simcoe, York, Ontario, Durham, or Victoria, to the town of Peterborough, thence through the counties of Peterborough, Hastings, Addington, Frontenac, Lanark, and Carleton, to the city of Ottawa, and with power to construct the same in sections.

Capital.

4. The capital of the company hereby incorporated shall be four hundred thousand dollars, with power to increase the same in the manner provided by the Railway Act, to be divided into eight thousand shares, of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied in the first place to the payment of all expenses for procuring the passing of this Act, and for making the surveys, plans, and estimates connected with the works hereby authorized; and the remainder of such money shall be applied to the making, equipment, completion and working of the said railway and the purposes of this Act: and until such preliminary expenses shall be paid out of the said capital stock, the municipal corporation of any municipality on or near the line of such works may by resolution, of which seven days' previous notice shall have been given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company or be allowed to it in payment of stock.

Provisional directors,

5. The persons named in the first section of this Act, with power to add to their number, shall be and are hereby constituted provisional directors of the said company, of whom seven shall be a quorum, and shall hold office as such until the first election of directors under this Act.

Their powers.

6. The said board of provisional directors shall have full power to open stock books and procure subscriptions of stock for the undertaking; to make calls upon the subscribers and collect the same; to cause surveys and plans to be executed; to enter into agreements for right of way, station grounds, terminal grounds, and gravel pits; and to receive any grant, loan, bonus or gift, made to or in aid of the undertaking; and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, with all such other powers as under the Railway Act are vested in ordinary directors; and the said directors or the board of directors to be elected as hereinafter mentioned, may in their discretion exclude any one from subscribing for stock, who in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors (or board of elected directors) shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may

in their discretion exclude any one or more of the said subscribers, if in their judgment such exclusion shall best secure the building of the said railway.

First election of directors.

7. When and so soon as shares to the amount of forty thousand dollars of the capital stock of the company shall have been subscribed, and ten per centum shall have been paid into a chartered bank, having an office in the Province of Ontario, or so soon as such subscriptions, together with sums granted by municipalities by way of bonus, shall amount to such sum of forty thousand dollars, and the debentures granted in payment of such bonus shall have been deposited with the trustees appointed to receive them, the provisional directors or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least four weeks' notice in the *Ontario Gazette*, and by registered letter addressed to each subscriber, of the time, place and object of the said meeting; and at such general meeting the shareholders present, either in person or by proxy, who shall at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect not less than six nor more than twelve persons to be directors of the said company in manner and qualified as hereinafter described, which said directors, together with the *ex officio* directors, shall constitute a board of directors.

Who may vote.

Application of moneys.

8. The sums so paid shall not be withdrawn from the bank, except for the purposes of this Act, nor shall the debentures so deposited be otherwise applied than to the purposes of the railway, as defined in the by-law or agreement between the municipality or municipalities granting the same, and the railway company in relation thereto.

Calls.

9. The directors for the time being may from time to time make calls as they shall think fit, provided that no calls shall be made at any one time for more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section seven.

Payment of stock in full.

10. It shall be lawful for the provisional or elected directors to accept payment in full for stock from any subscriber thereof at the time of subscription thereof, or at any time before the making of a final call thereon, and to allow such percentage or discount thereon as they may deem expedient and reasonable, and thereupon to issue to each subscriber scrip to the full amount of such stock subscribed.

Annual meetings.

11. Thereafter the general annual meeting of the shareholders of the said company shall be held in such places and on such days and hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in some one newspaper in each of the counties from which a bonus has been received.

Special general meetings.

12. Special general meetings of the shareholders of the said company may be held at such places and times and in such manner and for such purposes as may be provided by the by-laws of the said company.

Qualification of directors.

13. In the election of directors under this Act no person shall be elected unless he shall be the holder and owner of at least twenty shares of the stock of the said company upon which all calls have been paid up.

Aliens.

14. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the said company.

Quorum.

15. At all meetings of the board of elected directors, five directors shall form a quorum for the transaction of business; and directors may at any meeting vote by proxy, provided at least four directors are personally present at such meeting, and the said board of directors may employ one or more of their number as paid directors.

Aid to company.

16. The said company may receive from any government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway, by way of gift, bonus or loan of money, or debentures or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Aid from municipalities.

17. It shall be lawful for any municipality, or any portion of any municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situated, to aid and assist the said company by loaning or guaranteeing, or giving money by way of bonus or other means, to the company, or issuing bonds to or in aid of the company, and otherwise, in such manner and to such extent as such municipality shall think expedient: Provided always, that when said bonds or debentures are granted by a portion of a municipality, the bonds or debentures so granted shall be the bonds or debentures of the municipality, and that no such aid, loan, bonus or guarantee shall be given, except after the passing of by-laws for the purpose, and the adoption of such by-laws by the ratepayers, as provided in the Municipal Act for the creation of debts.

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Petitions for aid in counties.

18. In the case of a county municipality, or portion of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of twenty persons at least, rated on the last revised assessment roll as freeholders, who may be qualified voters in each of the minor municipalities to be affected; or in case fifty persons at least, rated on the last revised assessment roll of any municipality, other than a county municipality as freeholders, who may be qualified voters under the Municipal Act, do petition the council of such municipality, and in such petition express the desire of the said petitioners to aid in the construction of the said railway by giving a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce a by-law and submit the same to the vote of the qualified voters; and in case aid is desired from any por-

Minor municipalities.

Portions of municipalities.

tion of a township municipality, if at least twenty-five of the persons, who are qualified voters as aforesaid, in any portion of the said township municipality, do petition the council of the said municipality to pass a by-law, in such petition defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law, and submit the same to the approval of the qualified voters of the said portion of such township municipality:—

(1.) For raising the amount so petitioned for by such freeholders in such portion of the municipality, by the issue of debentures of the municipality, payable in twenty years, or by annual instalments of principal with interest, and for the delivery to the trustees of the debentures for the amount of said bonus at the time and on the terms specified in the said petition;

(2.) For assessing and levying upon all the ratable property, lying within the section defined by said petition, an equal annual special rate, as near as may be sufficient to include a sinking fund for the repayment of the debentures, with interest thereon, or for the payment of the said yearly instalments and interest, said interest to be payable yearly or half-yearly;

(3.) But, in case a municipality or portion of a municipality, in their petition desire to make their debentures so that interest only shall be payable, and not principal, during the first five or ten years, then they shall be permitted to do so.

Council to pass by-law.

19. In case such by-law be approved or carried by the majority of the votes given thereon, then, within one month after the date of such voting, the said council shall read the said by-law the third time and pass the same.

When debentures to issue.

20. Within one month after the passing of such by-law, the said council, and the warden, mayor, reeve, or other head thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed, or to be appointed, under this Act.

Assessment on portion of municipality.

21. In case any bonus be so granted by a portion of a municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon shall be assessed and levied upon such portion only of the municipality.

Municipal Act to apply.

22. The provisions of the Municipal Act, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by, or for, a portion of a municipality to the same extent as if the same had been passed by or for the whole municipality.

Rate on the dollar.

23. All by-laws to be submitted to such vote for granting bonuses to the said company, not requiring the levying of a greater annual rate for all purposes, exclusive of school rates, than three cents on the dollar of the ratable property affected thereby, shall be valid.

Exemption from taxation.

24. It shall be lawful for the corporation of any municipality, through any part of which the railway of the said com-

pany passes or is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross or by way of commutation or composition for payment, or, in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as to such municipal corporation may seem expedient, not exceeding twenty-one years.

Exchange of debentures.

25. The corporation of any county municipality in which is situated a village, town, or township, or portion of a township, which has given a bonus to the said company, shall be at liberty to take the debentures issued by such village, town, or township, and, in exchange therefor, to hand over to the trustees under the said Act, debentures of the said county municipality, to the same amount, on a resolution of the county council to that effect, and such county debentures are hereby declared to be binding on the said county.

Trustees of debentures.

26. Whenever any municipality, or portion of a county municipality, shall grant aid, by way of bonus or gift, to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees, to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses; all of the trustees to be residents of the Province of Ontario: Provided, that if the said council shall refuse or neglect to name such trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place, at any time, by the Lieutenant-Governor in Council, with the consent of the said company, and in case any trustee dies, or resigns his trust, or goes to live out of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of the said company.

Proviso.

Trusts of Debentures.

27. The said trustees shall receive the said debentures or bonds in trust: firstly, under the instructions of the directors of the company, to convert the same into money; secondly, to deposit the amount realized from the sale in some one of the chartered banks having an office in this Province, in the name of "The Grand Ontario Central Railway Municipal Trust Account," and to pay the same out to the said company, from time to time, on the certificate of the chief engineer of the said railway, in the form set out in the Schedule "A" hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is to be applied, and that the sum so certified for is in pursuance of the terms and conditions of the by-law, and such certificate is to be attached to the cheques to be drawn by the said trustees; and such engineer shall not wrongfully grant any such certificate, under penalty of one hundred dollars, recoverable in any county court, by any person who may sue therefor: Provided, that, after the first pay-

Proviso.

ment on account of the said "The Grand Ontario Central Railway Municipal Trust Account," no other shall be made until at least ninety per centum of the next preceding payment shall have been declared by an auditor selected for the purpose by the municipalities contributing to the said trust, to have been shewn by pay-rolls and other vouchers to have been expended on work or materials, or both, in the construction or equipment of the railway.

Fees to trustees.

28. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Certain municipalities to name director.

29. Any municipality which shall grant a bonus of not less than seventy-five thousand dollars in aid of the said company, may stipulate that it shall be entitled to name a director in the said company as the representative of such municipality, and such director shall be in addition to the directors elected by the shareholders, and shall not be required to be a shareholder in the said company, and shall continue in office as a director in the said company until his successor shall be appointed by the municipality which he represents.

Municipalities empowered to grant lands.

30. Any municipality through which the said railway may pass is empowered to grant, by way of gift to the said company, any lands belonging to such municipality which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government or any person, or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company; and it shall be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws, empowering the said company to make their road and lay their rails along any of the highways within such municipality.

Extension of time for completion.

31. It shall and may be lawful for the council of any municipality that may grant a bonus to the company, and they shall have full power to extend the time for the completion of the works, on the completion of which the said company would be entitled to such bonuses.

Expense of by-law.

32. It shall be lawful for the council of any township or county municipality interested in the said railway and its extension, branches, or any of them, and without complying with the requirements of any Act providing for the creation of debts by municipal corporations on behalf of such municipalities, or any of them, to bear all or any part of the costs, charges and expenses of, and incidental to, the submission of any by-law to the said qualified voters for granting a bonus to the said company, or to give the said company a bonus on account of such costs, charges and expenses: Provided always, that no one such bonus shall exceed five thousand dollars.

Proviso.

Issue of bonds

33. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special

general meeting, to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president and vice-president of the said company, and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata*, with all the other holders thereof, upon the undertaking and property of the said company as aforesaid: Provided, however, that the whole amount of such issue of bonds shall not exceed fifteen thousand dollars per mile of the said railway: Provided further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders: Provided, that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Proviso.

Proviso.

Proviso.

Promissory notes, etc.

34. The said company shall have power and authority to become parties to promissory notes and bills of exchange, and any such promissory note or bill of exchange made or indorsed by the president of the company and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or the secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Proviso.

Acquiring lands.

35. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for right of way for constructing, maintaining and using said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the required part only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and sell and convey the same or parts thereof from time to time as they may deem expedient.

36. When stone, gravel or any other material is or are required for the construction or maintenance of said railway, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of compensation shall have the same effect as in the case of arbitration for the roadway, and all the provisions of the Railway Act, as varied and modified by the special Acts relating to the said company, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining material as aforesaid, and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Compensation for stone, etc.

37. When said gravel, stone or other material shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of the Railway Act and of the special Acts relating to the said company, except such as relate to filing plans and publication of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing or maintaining the said railway.

Sidings to gravel pits, etc.

38. The railway shall be commenced within three years, and finally completed within seven years after the passing of this Act.

Commencement and completion.

39. The company incorporated by this Act may enter into any arrangement with any other railway company or companies, except the Grand Trunk Railway Company, for the working of the said railway or any part thereof, on such terms and conditions as the directors of the several companies may agree on, or for leasing or hiring from such other company or companies, their railway or any portion thereof, or for the purchase of the same or any part thereof or the use thereof, or for the leasing or hiring any locomotives or other moveable property from such companies or persons, and generally to make any agreement or agreements with any other company touching the use by one or the other or by both companies, of the railways or rolling stock, or either, or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any

Agreements with other companies.

Proviso.

such agreement shall be valid and binding according to the terms and tenor thereof, provided that the assent of at least two-thirds of the shareholders shall be first obtained at a general special meeting to be called for the purpose, according to the by-laws of the company and the provisions of this Act; and the company or companies entering into agreement for using the said line, may and are hereby authorized to work the said railway, in the same manner and in all respects as if incorporated with their own line.

Power to mortgage bonds.

40. The said company hereby incorporated may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can, under the powers of this Act, issue for the construction of the railway or otherwise.

Appointment of agents.

41. The directors of the company may, subject to the rules and regulations from time to time of the board, appoint an agent in the City of London, England, and also an agent in the City of New York, in the State of New York, with power to pay dividends, to open and keep books of transfer for the shares of the company and for the issue of scrip and stock certificates; and thereupon shares may be transferred from the Canada office to the London or New York offices, in the names of the transferees, in the same manner as shares may be transferred in the former office, and, *vice versa:* and shares originally taken and subscribed for in Great Britain, and shares originally taken and subscribed for in the United States, may be respectively entered upon the books at the London, or at the New York office, and scrip certificates be issued for them, and the agent or agents, or other officer or officers, shall transmit an accurate list of all such transfers and scrip certificates so issued to the secretary or other officer of the company in this Province, who shall thereupon make the requisite entries respecting such transfer and scrip certificates in the register kept in this Province, and thereupon the same shall be binding on the company, as to all the rights and privileges of shareholders, as though the scrip certificates had been issued by the secretary of the company in this Province.

Transfer of shares.

42. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Transfers made abroad.

43. Whenever any transfer shall be made in England, or the United States, of any share of stock of the company, the delivery of the transfer and stock or scrip certificates to the agent or agents of the company for the time being in London and New York aforesaid, shall be sufficient to constitute the transferee a shareholder or stockholder in the company in respect to the shares of stock so transferred; and such agent or agents shall transmit an accurate list of all such transfers to the secretary of the company in this Province, who shall thereupon make the requisite entries in the register; and the directors may from time to time make such regulations as they shall think fit for facilitating the transfer and registration of shares of stock, and the forms in respect thereof, as well in this Province as

elsewhere, and as to the closing of the register of transfer for the purpose of dividends, as they may find expedient; and all such regulations not being inconsistent with the provisions of this Act and of the Railway Act, as altered or modified by this Act, shall be valid and binding.

Form of conveyance.

44. Conveyances of land to the said company for the purpose of, and powers given by this Act, made in the form set out in the Schedule "C" hereunder written, or the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate and interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the Registry laws of Ontario, and no registrar shall be entitled to demand more than fifty cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Power to build warehouses, etc.

45. The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to acquire and hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic, in connection with the railway.

Municipalities may subscribe for stock.

46. Nothing in this Act shall prevent any municipality from subscribing for stock of the company, pursuant to the Railway Act or the Municipal Act.

Certain payments in stock allowed.

47. The said provisional directors, or the elected directors, may pay or agree to pay in paid-up stock or in the bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for right of way, or material, or plant, or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Telegraph lines.

48. For the purpose of constructing, working and protecting the telegraph lines constructed by the company under this Act on their line of railway, the powers conferred upon telegraph companies by the Act respecting Electric Telegraph Companies, are hereby conferred upon the company, and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any telegraph lines constructed by the company.

Gauge.

49. The gauge of the said railway shall be four feet eight and one-half inches.

Extension of time.

50. In case the conditions upon which any municipality grants aid to the said company be not fully complied with in

the time specified, the said municipality, through its council, may grant further time to the company for the fulfilment of its obligations as by the said council may be thought advisable.

By-laws valid after 30 days.

51. The by-laws granting aid to this company, and all debentures that may be issued under and in pursuance of the said by-laws shall be, and the same are hereby declared to be legal, valid and binding upon the corporations making them, any law, custom or statute to the contrary notwithstanding, and notwithstanding any omission or defect in point of form or otherwise in said by-laws, or any of them, or in the passing thereof, or in the said debentures or any of them, or in the charter of this company, unless application or protest against said by-laws or debentures be made within thirty days from the passing thereof in some of Her Majesty's courts.

Plans and book of reference for sections.

52. The said company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of the Railway Act of Ontario, and amendments thereto, with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the said company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the Railway Act and the amendments thereof applied to, included in, or incorporated with the Act, incorporating the said railway company and the amendments thereto, or otherwise applicable to the said railway company, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of the whole course and direction of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway had been taken, made, examined, certified, and deposited according to the said clauses of the said Railway Act, and the amendments thereof, with respect to plans and surveys.

Snow fences.

53. The said company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect to such railway, to have been actually suffered: Provided always, that any such snow fences so erected shall be removed on or before the first day of April next following.

Proviso.

Cordwood rates.

54. The said railway company shall at all times receive and carry cordwood, or any wood for fuel, at a rate not to exceed,

for dry wood, three cents per mile per cord, from all stations exceeding fifty miles, and at a rate not exceeding three-and-a-half cents per cord per mile from all stations under fifty miles, in full car-loads, and for green wood, at the rate of three cents per ton per mile.

Cordwood facilities.

55. The company shall further, at all times, furnish every facility necessary for the free and unrestrained traffic in cordwood, to as large an extent as in the case of other freight carried over the said railway.

Dry wood defined.

56. Cordwood, or wood for fuel, cut before the first day of March, in any year, shall be deemed, for the purposes of this Act, dry wood by the first of October following, and not before.

Traffic in tan bark.

57. The company shall at all times furnish every facility for the free traffic in tan bark, and shall carry it at the rate of three cents per ton per mile.

SCHEDULE "A."

(Section 27.)

Chief Engineer's Certificate.

Grand Ontario Central Railway Company's Office, Engineer's Department, A. D. 18
No.

Certificate to be attached to cheques drawn on the Grand Ontario Central Railway Municipal Trust Account.

I, Chief Engineer of the Grand Ontario Central Railway Company, do hereby certify that the sum of dollars is required to be expended in the construction of the portion of the line extending from mile number to mile number and that payment should be made to the company of such amount from the Municipal Trust Account, the same being in pursuance of the terms and conditions of the by-law of the municipality of the of

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SCHEDULE "B."

(Section 27.)

I, , auditor under section twenty-seven of the Act entitled "An Act to incorporate the Grand Ontario Central Railway Company," do hereby certify that I have examined the pay rolls and other vouchers shewing the expenditures upon the works, or plant, or other property of the said company, made out of the payments from the Grand Ontario

Central Railway Trust, on the day of A.D. 18 , and that the said pay rolls and other vouchers, representing an aggregate of dollars, the amount actually expended on the works, plant, and other property of the company out of the said payments from the said trust, exceed the proportion of ninety per cent. of that payment.

SCHEDULE "C."

(Section 44.)

Know all men by these presents, that I (*or* we) [*insert the names of the vendors*] in consideration of dollars paid to me (*or* us) by the Grand Ontario Central Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (*or* we) [*insert the names of any other parties*] in consideration of dollars paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant or release all that certain parcel (*or* those certain parcels,) *(as the case may be)* of land situated [*describe the lands*] the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said Grand Ontario Central Railway Company, their successors and assigns, [*here insert any other clauses, covenants, or conditions required*] and I (*or* we) the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands, as witness my (*or* our) hand and seal (*or* hands and seals) this day of one thousand eight hundred and

Signed, sealed and delivered in presence of } (L.S.)

No. 32.

1st Session, 4th Parliament, 43 Vic., 1880.

BILL.

An Act to incorporate the Grand Ontario Central Railway Company.

1st Reading, , 1880.

(PRIVATE BILL.)

Mr. Hay.

TORONTO:
Printed by C. Blackett Robinson.

No. 32.] BILL. [1880.

An Act to incorporate the Grand Ontario Central Railway Company.

Preamble. WHEREAS, the construction of a Railway from the Town of Goderich to the City of Ottawa is a work of Provincial importance as a second and direct outlet to the seaboard for the produce of this Province; and, whereas, it is expedient that such Railway should be constructed;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation. 1. H. Y. Attrell, Malcolm Colin Cameron, M.P., Horace Horton, Joseph Williams, Christopher C. Crabb, Francis Jordan, J. W. Scott, D. D. Hay, M.P.P., D. D. Campbell, J. E. Tamblyn, M.D., Benjamin Wilson, John Leckie, Patrick Kelly, Matthew Ronan, George P. Hughes, William McDermott, Thomas Phillips, William Henry Hammell, William Train, David Alanson Jones, William Noble Whiteside, M. B., I. J. Gould, George Wheler, Ira G. Crosby, A. T. Button, Joseph Bigelow, Jacob Lemon Whiteside, LL.B., William Kane, Matthew Brandon, William Henry Hunter, James J. Pearson, W. H. Ashworth, E. B. Man, Faulkner C. Stewart, Wm. Parsons, Joseph Patullo, E. Major, M. Currie, Edward A. Colquhoun, George A. Noland, Christopher Cook, and John T. Conner, together with such persons and corporations as shall in pursuance of this Act become shareholders in the said company hereby incorporated, shall become and are hereby declared to be a body corporate and politic, by the name of the "Grand Ontario Central Railway Company." Name.

Location of line. 2. The company hereby incorporated and their agents or servants shall have full power and authority under this Act to lay out, construct, and finish a double or single steel railway from a point near or within the town of Goderich, and continuing the same through the counties of Huron, Perth, Wellington, and Dufferin, to Beeton, in the county of Simcoe, thence through the counties of Simcoe, York, Ontario, Durham, or Victoria, to the town of Peterborough, thence through the counties of Peterborough, Hastings, Addington, Frontenac, Lanark, and Carleton, to the city of Ottawa, and with power to construct the same in sections.

Capital. 3. The capital of the company hereby incorporated shall be four hundred thousand dollars, with power to increase the same in the manner provided by the Railway Act, to be divided into eight thousand shares, of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied in the first place to the payment of all expenses for procuring the

passing of this Act, and for making the surveys, plans, and estimates connected with the works hereby authorized; and the remainder of such money shall be applied to the making, equipment, completion and working of the said railway and the purposes of this Act: and until such preliminary expenses shall be paid out of the said capital stock, the municipal corporation of any municipality on or near the line of such works may by resolution, of which seven days' previous notice shall have been given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company or be allowed to it in payment of stock.

Provisional directors,

4. The persons named in the first section of this Act, with power to add to their number, shall be and are hereby constituted provisional directors of the said company, of whom seven shall be a quorum, and shall hold office as such until the first election of directors under this Act.

Their powers.

5. The said board of provisional directors shall have full power to open stock books and procure subscriptions of stock for the undertaking; to make calls upon the subscribers and collect the same; to cause surveys and plans to be executed; to enter into agreements for right of way, station grounds, terminal grounds, and gravel pits; and to receive any grant, loan, bonus or gift, made to or in aid of the undertaking; and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, with all such other powers as under the Railway Act are vested in ordinary directors; and the said directors or the board of directors to be elected as hereinafter mentioned, may in their discretion exclude any one from subscribing for stock, who in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors (or board of elected directors) shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may in their discretion exclude any one or more of the said subscribers, if in their judgment such exclusion shall best secure the building of the said railway.

First election of directors.

6. When and so soon as shares to the amount of forty thousand dollars of the capital stock of the company shall have been subscribed, and ten per centum shall have been paid into a chartered bank, having an office in the Province of Ontario, the provisional directors or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least four weeks' notice in the *Ontario Gazette*, and by registered letter addressed to each subscriber, of the time, place and object of the said meeting; and at such general meeting the shareholders present, either in person or by proxy, who shall at the opening of such meeting have paid ten per centum on the stock sub-

scribed by them, shall elect not less than six nor more than twelve persons to be directors of the said company in manner and qualified as hereinafter described, which said directors, together with the *ex officio* directors, shall constitute a board of directors. Who may vote.

7. The sums so paid shall not be withdrawn from the bank, except for the purposes of this Act. Application of moneys.

8. The directors for the time being may from time to time make calls as they shall think fit, provided that no calls shall be made at any one time for more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section seven. Calls.

9. It shall be lawful for the provisional or elected directors to accept payment in full for stock from any subscriber thereof at the time of subscription thereof, or at any time before the making of a final call thereon, and to allow such percentage or discount thereon as they may deem expedient and reasonable, and thereupon to issue to each subscriber scrip to the full amount of such stock subscribed. Payment of stock in full.

10. Thereafter the general annual meeting of the shareholders of the said company shall be held in such places and on such days and hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week *for the same period* in some newspaper in each of the counties from which a bonus has been received. Annual meetings.

11. Special general meetings of the shareholders of the said company may be held at such places and times and in such manner and for such purposes as may be provided by the by-laws of the said company, *upon such notice as is provided in the last preceding section.* Special general meetings.

12. In the election of directors under this Act no person shall be elected unless he shall be the holder and owner of at least twenty shares of the stock of the said company upon which all calls have been paid up. Qualification of directors.

13. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the said company. Aliens.

14. At all meetings of the board of elected directors, five directors shall form a quorum for the transaction of business; and directors may at any meeting vote by proxy, provided at least four directors are personally present at such meeting, and the said board of directors may employ one or more of their number as paid directors. Quorum.

15. The said company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway, Aid to company.

by way of gift, bonus or loan of money, or debentures or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Aid from municipalities.

16. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass, or be situate, may aid the said company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained: Provided always that no such aid shall be given except after the passing of a by-law for the purpose and the adoption of such by-law by the qualified ratepayers of the municipality, or portion of municipality (as the case may be), as provided in the Municipal Act for the creation of debts.

Proviso.

Provisions as to bonus by-laws.

17. Such by-laws shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;

(2) In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under the Municipal Act:

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters as aforesaid;

(4) In the case of the section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

Provisions for referring to arbitration disputes as to bonus by-laws.

18. In case of aid from a county municipality fifty resident freeholders of the county may petition the county council against submitting the said by-law upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the Judge of the County Court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom; and the decision of any two of them shall be final; and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is con-

firmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

Deposit for expenses.

19. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

"Minor municipality," meaning of.

20. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality.

Rate not exceeding three cents in the dollar valid.

21. All municipalities or portions thereof interested in the construction of the road of the said company, may grant aid by way of bonus to the said company, towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipalities or portions thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates than three cents in the dollar upon the value of the ratable property therein.

Proviso.

By-law, what to contain.

22. Such by-law shall in each instance provide:—

(1.) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2.) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be), an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, warden, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

If by-law carried, council to pass same;

23. In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same.

and issue debentures.

24. Within one month after the passing of such a by-law, the said council and the warden, reeve, or other officers thereof shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law and otherwise act according to the terms thereof.

Exemption from taxation.

25. It shall be lawful for the corporation of any municipality, through any part of which the railway of the said company passes or is situate, by by-law specially passed for that

purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross or by way of commutation or composition for payment, or, in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as to such municipal corporation may seem expedient, not exceeding twenty-one years.

Exchange of debentures.

26. The corporation of any county municipality in which is situated a village, town, or township, or portion of a township, which has given a bonus to the said company, shall be at liberty to take the debentures issued by such village, town, or township, and, in exchange therefor, to hand over to the trustees under the said Act, debentures of the said county municipality, to the same amount, on a resolution of the county council to that effect, and such county debentures are hereby declared to be binding on the said county.

Trustees of Debentures.

☞27. Whenever any municipality, or portion of a township municipality, shall grant aid, by way of bonus or gift, to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees, to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses; all of the trustees to be residents of the Province of Ontario: Provided, that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointmentof the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place, at any time, by the Lieutenant-Governor in Council, and in case any trustee dies, or resigns his trust, or goes to live out of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Proviso.

Trusts of debentures.

28. The said trustees shall receive the said debentures or bonds in trust: Firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto, as to time or manner, to convert the same into money or otherwise dispose of them: Secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The Grand Ontario Central Railway Municipal Trust Account," and to pay the same out to the said company, from time to time as the said company become entitled thereto under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being, in the form set out in the Schedule "A" hereto or to the like effect, which certificate shall set forth, that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payments, or delivery of debentures, and such engineer

Proviso.

shall not wrongfully grant any such certificate, under a penalty of five hundred dollars, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees to trustees.

29. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Municipalities empowered to grant lands.

30. Any municipality through which the said railway may pass is empowered to grant, by way of gift to the said company, any lands belonging to such municipality which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government or any person, or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company; and it shall be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws, empowering the said company to make their road and lay their rails along any of the highways within such municipality.

Extension of time for completion.

31. It shall and may be lawful for the council of any municipality that may grant a bonus to the company, and they shall have full power to extend the time for the completion of the works, on the completion of which the said company would be entitled to such bonuses.

Issue of bonds

32. The directors of the said company, after the sanction of the shareholders shall have been first obtained, at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president and vice-president of the said company, and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata*, with all the other holders thereof, upon the undertaking and property of the said company as aforesaid: Provided, however, that the whole amount of such issue of bonds shall not exceed fifteen thousand dollars per mile of the said railway: Provided further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders: Provided, that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Proviso.

Proviso.

Proviso.

Promissory notes, etc.

33. The said company shall have power and authority to become parties to promissory notes and bills of exchange, and any such promissory note or bill of exchange made or indorsed by the president of the company and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or the secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Proviso.

Proviso.

Acquiring lands.

34. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for right of way for constructing, maintaining and using said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the required part only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and sell and convey the same or parts thereof from time to time as they may deem expedient.

Compensation for stone, etc.

35. When stone, gravel or any other material is or are required for the construction or maintenance of said railway, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of compensation shall have the same effect as in the case of arbitration for the roadway, and all the provisions of the Railway Act, as varied and modified by the special Acts relating to the said company, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject-matter of this section, as to the obtaining material as aforesaid, and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to gravel pits, etc.

36. When said gravel, stone or other material shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be

found, whatever the distance may be, and all the provisions of the Railway Act and of the special Acts relating to the said company, except such as relate to filing plans and publication of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing or maintaining the said railway.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of the Railway Act of Ontario, shall not apply.

Commencement and completion.

37. The railway shall be commenced within three years, and finally completed within seven years after the passing of this Act.

Agreements with other companies.

38. The company incorporated by this Act may enter into any arrangement with any other railway company or companies, *lawfully authorized in that behalf*, except the Grand Trunk Railway Company, for the working of the said railway or any part thereof, on such terms and conditions as the directors of the several companies may agree on, or for leasing or hiring from such other company or companies, their railway or any portion thereof, or for the purchase of the same or any part thereof or the use thereof, or for the leasing or hiring any locomotives or other moveable property from such companies or persons, and generally to make any agreement or agreements with any other company, *so lawfully authorized*, touching the use by one or the other or by both companies, of the railways or rolling stock, or either, or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the terms and tenor thereof, provided that the assent of at least two-thirds of the shareholders shall be first obtained at a general special meeting to be called for the purpose, according to the by-laws of the company and the provisions of this Act; and the company or companies entering into agreement for using the said line, may and are hereby authorized to work the said railway, in the same manner and in all respects as if incorporated with their own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Proviso.

Power to mortgage bonds.

39. The said company hereby incorporated may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can, under the powers of this Act, issue for the construction of the railway or otherwise.

Transfer of shares.

40. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Form of conveyance.

41. Conveyances of land to the said company for the purpose of, and powers given by this Act, made in the form set out in the Schedule "B" hereunder written, or the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate and interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the Registry laws of Ontario, and no registrar shall be entitled to demand more than *seventy-five* cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Power to build warehouses, etc.

42. The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to acquire and hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic, in connection with the railway.

Municipalities may subscribe for stock.

43. Nothing in this Act shall prevent any municipality from subscribing for stock of the company, pursuant to the Railway Act or the Municipal Act.

Certain payments in stock allowed.

44. The said provisional directors, or the elected directors may pay or agree to pay in paid-up stock or in the bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for right of way, or material, or plant, or rolling stock, and any agreement so made shall be binding on the company.

Telegraph lines.

45. For the purpose of constructing, working and protecting the telegraph lines constructed by the company under this Act on their line of railway, the powers conferred upon telegraph companies by the Act respecting Electric Telegraph Companies, are hereby conferred upon the company, and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any telegraph lines constructed by the company.

Gauge.

46. The gauge of the said railway shall be four feet eight and one-half inches.

Extensi time.

47. In case the conditions upon which any municipality grants aid to the said company be not fully complied with in the time specified, the said municipality, through its council, may grant further time to the company for the fulfilment of its obligations as by the said council may be thought advisable.

Plans and book of reference or sections.

48. The said company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of the Rail-

way Act of Ontario, and amendments thereto, with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the said company may from time to time see fit, so that no one of such sections or portions shall be less than *ten* miles in length; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the Railway Act and the amendments thereof applied to, included in, or incorporated with the Act, incorporating the said railway company and the amendments thereto, or otherwise applicable to the said railway company, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of the whole course and direction of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway had been taken, made, examined, certified, and deposited according to the said clauses of the said Railway Act, and the amendments thereof, with respect to plans and surveys.

Snow fences.

49. The said company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect to such railway, to have been actually suffered: Provided always, that any such snow fences so erected shall be removed on or before the first day of April next following.

Proviso.

Cordwood rates.

50. The said railway company shall at all times receive and carry cordwood, or any wood for fuel, at a rate not to exceed, for dry wood, three cents per mile per cord, from all stations exceeding fifty miles, and at a rate not exceeding three-and-a-half cents per cord per mile from all stations under fifty miles, in full car-loads, and for green wood, at the rate of three cents per ton per mile.

Cordwood facilities.

51. The company shall further, at all times, furnish every facility necessary for the free and unrestrained traffic in cordwood, to as large an extent as in the case of other freight carried over the said railway.

Dry wood defined.

52. Cordwood, or wood for fuel, cut before the first day of March, in any year, shall be deemed, for the purposes of this Act, dry wood by the first of October following, and not before.

Traffic in tan bark.

53. The company shall at all times furnish every facility for the free traffic in tan bark, and shall carry it at the rate of three cents per ton per mile.

SCHEDULE "A."

(Section 28.)

Chief Engineer's Certificate.

The Grand Ontario Central Railway Company's Office, Engineer's Department, No. , A. D. 188 .

Certificate to be attached to cheques drawn on the Grand Ontario Central Railway Company Municipal Trust Account, given under section chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, A. B., Chief Engineer for the Grand Ontario Central Railway Company, do certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the Township of (*or* under the agreement dated the day of between the Corporation of and the said company) to entitle the said company to receive from the said trust the sum of (*here set out the terms and conditions, if any, which have been fulfilled*).

SCHEDULE "B."

(Section 41.)

Know all men by these presents, that I (*or* we) [*insert the names of the vendors*] in consideration of dollars paid to me (*or* us) by the Grand Ontario Central Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (*or* we) [*insert the names of any other parties*] in consideration of dollars paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant or release all that certain parcel (*or* those certain parcels, *as the case may be)* of land [*describe the lands*] the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said Grand Ontario Central Railway Company, their successors and assigns, [*here insert any other clauses, covenants, or conditions required*] and I (*or* we) the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands, as witness my (*or* our) hand and seal (*or* hands and seals) this day of A.D. 18 .

Signed, sealed and delivered in presence of } (L.S.)

No. 32.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to incorporate the Grand Ontario Central Railway Company.

(Reprinted as Amended.)

First Reading, 23rd January, 1880.

(PRIVATE BILL.)

MR. HAY.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

No. 33.] **BILL.** [1880.

An Act to incorporate "The Niagara Falls Street Railway Company."

WHEREAS Andrew Gregory Hill, Tom F. Ellis, Ruben Law, Zinas B. Lewis, Hiram Bender, John Waugh, Peter Flynn, Walter W. Woodruff, and Gaspard Rosli, have by their petition prayed for an Act of Incorporation under the name of "The Niagara Falls Street Railway Company," for the purpose of constructing and operating a Street Railway in the Town of Clifton and the Township of Stamford adjacent thereto; and whereas it is expedient to grant the prayer of the petition: Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Andrew Gregory Hill, Tom F. Ellis, Gaspard Rosli, Zinas B. Lewis, Walter W. Woodruff, Peter Flynn, Ruben Law, Hiram Bender and John Waugh, and such other persons as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic under the name of "The Niagara Falls Street Railway Company." Incorporation. Corporate name.

2. The capital of the company shall be twenty-five thousand dollars, in shares of one hundred dollars each, but the capital stock may be increased by the shareholders as hereinafter provided. Capital.

3. Andrew Gregory Hill, Tom F. Ellis, Gaspard Rosli, Zinas B. Lewis, Walter W. Woodruff, Peter Flynn and Ruben Law shall be the provisional directors of the said company, and said provisional directors, until others shall be elected as hereinafter provided, shall constitute the board of directors of the company, four of whom shall be a quorum, with power to obtain subscriptions for stock, to make calls upon the shares subscribed, to call a meeting of the subscribers for the election of other directors as hereinafter provided, and with all such other powers as by the laws in force in this province they are entitled to exercise for organizing said company; and the said directors or a majority of them may in their discretion exclude any person from subscribing who in their judgment would hinder, delay or prevent the carrying out of the objects of this Act: and said directors shall hold office until the election of directors as hereinafter provided for. Provisional directors. Quorum.

4. So soon as ten thousand dollars of the capital stock has been subscribed, and twenty per centum thereon paid up, the shareholders who shall have so paid the said twenty per centum, Election of directors.

shall proceed to the election of a board of directors for the said company, and the provisional directors, or a majority of them, shall call a meeting of the shareholders for that purpose, first giving two weeks' notice thereof by advertisement in some newspaper published in the Town of Clifton, or if there be no such newspaper, then in some newspaper published in the County of Welland.

Directors.

5. The board of directors shall consist of seven directors, who shall be elected as in the preceding section provided, each of whom shall be a shareholder of not less than five hundred dollars; such election and every question to be decided at such meeting shall be by ballot, by a plurality of votes of the stockholders present in person or represented by written proxies, each shareholder to be entitled to as many votes as he owns shares, the directors so chosen shall immediately elect one of their own number to be president and another to be vice-president, which president, vice-president and directors shall continue in office for one year, and until others shall be chosen to fill their places, and if any vacancy shall at any time happen by death, resignation or otherwise during said year in the office of president, vice-president or director, the remainder of such directors shall supply such vacancy for the remainder of the year, and thereafter the election of directors shall take place annually, at a general meeting of the shareholders of the said company, to be held in such place in the town of Clifton, and on such days and at such hours in the month of January, as may be provided by the by-laws of the said company, or by a resolution of the board of directors, and a notice thereof shall be published at least two weeks previously, once in each week, in a newspaper published in the Town of Clifton, or if there be no such newspaper, then in some newspaper in the County of Welland.

Commencement of operations.

6. So soon as stock to the amount aforesaid shall have been subscribed, and twenty per centum thereof paid up, and the said board shall have been elected in manner aforesaid, the company may commence operations and exercise the powers hereby granted, but the company must commence operations within two years from the passing of this Act.

Powers of company.

7. The company are hereby authorized and empowered to construct, complete, maintain and operate a single or double iron railway, with the necessary side tracks and turn-outs for the passage of cars, carriages and other vehicles adapted to the same upon and along the strip of land held by the Government of the Province of Ontario along the bank of the Niagara River in the Town of Clifton, and in the Township of Stamford, and now used for the purpose of a public road within the Town of Clifton and upon and along the stone road-bed now constructed and existing upon said strip of land and upon and along streets and highways within the jurisdiction of the Corporation of the Town of Clifton and of the Township of Stamford respectively, under and subject to any agreement hereafter to be made between the Council of the said Town of Clifton and of the said Township of Stamford respectively and the said company: and under and subject to any by-laws of the said corporation of the said town and township respectively made in pursuance of said agreement or agreements: and to take, transport and carry passengers and

freight upon the same by the force or power of animals or steam or such other motive power as the directors may adopt or apply, and to use, construct, and maintain all necessary works, buildings, appliances and conveniences connected therewith; and to take and use for the construction and maintenance of the said railway and works such material as may be found upon the said strip of land along the bank of the said Niagara River.

Power of directors.

8. The directors shall have full power to make all by-laws for the management of the company; the acquirement, management and disposition of its stock, property and effects, and of its affairs and business; the making and collecting of calls on its stock, and forfeiture thereof for non-payment; the entering into agreements and contracts with the said town and township; the declaration and payment of dividends out of the profits of the said company; the form and issuing of stock certificates and the transfer of shares; the calling of special and general meetings of the company; the appointment, removal and remuneration of all officers, agents, clerks, workmen and servants of the company; the fares to be received from persons and for freight transported over the said railway or any part thereof; the intervals of time in running each car; the time within which on each day the cars shall be run, the speed of running the same, and in general to do all things that may be necessary to carry out the objects and the exercise of any powers incident to the company: provided always that the fares to be taken by the company shall not exceed for each passenger ten cents for one continuous passage between the lower Suspension Bridge and Table Rock, and five cents for one continuous passage between the upper Suspension Bridge and Table Rock: Provided further that after eight o'clock at night said fares may be increased to fifteen and ten cents respectively.

Proviso.

Proviso.

Stock to be personalty.

9. The stock of the company shall be deemed personal estate, and shall be transferable in such way as the directors shall by by-law direct.

Company may hold real and personal estate.

10. The company may purchase, lease, hold or acquire any real or personal estate necessary for carrying on the operations of the company.

Failure in electing directors not to dissolve the company.

11. If the election of directors be not made on the day appointed by this Act the company shall not for that reason be dissolved, but a general meeting of the stockholders may be called by any five of the stockholders in the manner hereinbefore provided for the calling of a general meeting for the election of directors on any other day; and all acts of the directors until their successors are elected shall be valid and binding upon the company.

Company may use sleighs.

12. The company may substitute sleighs for railway carriages during the winter months upon the route of the railway.

Company may own and use carriages, &c.

13. The company may buy, own and use any number of carriages, hacks and other vehicles and horses and other appliances connected therewith to run in connection with their said railway or otherwise: Provided that the fares to be taken by the said company for the use of said carriages or other vehicles shall not exceed the rates contained in schedule A hereunder written:

Proviso.

Proviso. and provided further that said company shall not, nor shall the driver of any such carriage or other vehicle owned by said company, exact, take or receive, either directly or indirectly, any commission, percentage or reward from any person to whose place of business the passenger in said vehicle shall be driven.

Penalties. **14.** Upon each and every violation of the last preceding section by the company they shall be liable to a penalty of one hundred dollars; and upon the violation of the said section by any person driving any of the said carriages or other vehicles he shall be liable to a fine of not more than fifty dollars on summary conviction before one or more justices of the peace, and in default of payment the offender shall be liable to imprisonment for a period not exceeding six months.

Fares. **15.** The fare shall be due and payable by every passenger on entering the car, or sleigh, cab, or other vehicle, and any person refusing to pay the fare when demanded by the conductor or driver, and refusing to quit the car, or sleigh, or other vehicle, shall be liable to a fine of not less than five dollars, recoverable before the mayor, police-magistrate, or any justice of the peace.

Increase of capital and borrowing powers. **16.** The directors of the company may from time to time increase the capital of the company for such amount or amounts as occasion may require, and also raise or borrow for the purposes of the company, any sum or sums not exceeding in the whole, at any time, the actual amount of capital stock, *bona fide* subscribed and paid up, by the issue of bonds or debentures, in sums of not less than one hundred dollars, and on such terms and credit as they may think proper, and may pledge or mortgage all the property, tolls and income of the company or any part thereof for the repayment of the moneys so raised or borrowed, and the interest thereon, and such bonds, when issued, shall be a first charge upon the said railway, provided the consent of three-fourths in value of the stockholders of the company present, or represented by proxy, shall be first had and obtained at a special meeting to be called and held for either or both of the purposes aforesaid.

Proviso.

Municipalities may make agreements. **17.** The council of the said town and township, and the company are respectively hereby authorized to make and enter into any agreement or covenant relating to the location, construction, and working of the said railway, and for the paving, macadamizing, repairing and grading of the streets or highways along which the said railway may pass.

By-laws for giving effect to agreements may be passed. **18.** The said town and township are hereby respectively authorized to pass any by-law or by-laws, and to amend and repeal, or enact the same, for the purpose of carrying into effect any such agreement or covenants.

Certain clauses of Railway Act to apply. **19.** The several clauses of The Railway Act of Ontario, with respect to "interpretation," "incorporation," "powers," "lands and their valuation," "general meetings," "calls," "shares and their transfer," "shareholders," "actions for indemnity and fines and penalties and their prosecution," shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said company and to the railway to be con-

structed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said The Railway Act of Ontario, so incorporated with this Act.

SCHEDULE A.

	One Person.	Two Persons.	More than Two.	
	cts.	cts.	$	cts.
Between Bridge street and the Falls...	50	75	1	00
Between the ferry and the Falls, or the C. S. R. station, or new bridge...	25	50	0	75
Between the new bridge and the Falls.	25	40	0	50

For every hour completed with one or more persons $1.00, and for every fractional part of an hour at the same rate. For each day of ten hours, $6.

No. 55.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to Incorporate the Niagara Falls Street Railway Company.

1st Reading, , 1880.

(PRIVATE BILL.)

Mr. HARCOURT.

TORONTO:
PRINTED BY C. B ROBINSON, JORDAN STREET.

No. 34.] **BILL.** [1880.

An Act respecting the Ottawa City Passenger Railway Company.

Preamble.

WHEREAS the corporation of the city of Ottawa have, by their petition, prayed for amendments to the Act incorporating the Ottawa City Passenger Railway Company, and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Railway to alter rails when directed by city corporation.

1. The Ottawa City Passenger Railway Company shall, whenever directed by a by-law of the Corporation of the city of Ottawa, change and alter the rails and switches at present in use in said railway, and substitute therefor flat or tram rails, and make the gauge between them such that ordinary vehicles now in use may travel on such rails.

Regulations as to rails and repairs of streets.

2. The said company shall at all times keep all the rails and switches of their said railway flush and in conformity with the streets and highways of the said city, and shall repair, and at all times keep repaired, the roadway between the rails and switches, and for one foot six inches on the outside of each rail and switch in the city of Ottawa, and provide and use for such repairs the same materials and mode of construction as that from time to time in use by the city corporation for the remainder of the street: Provided that where the material laid down upon such remainder of the street is macadam or gravel it shall be optional with the said the Ottawa City Passenger Railway Company to use stone or wood block paving instead thereof; and provided that where the city corporation adopts and uses on any street, or portion of street, traversed by the said railway, a permanent pavement of wood, stone, asphalt or other material of the like permanent character, the company shall not in such case be bound to construct the same, or to pay more than the cost price of such pavement over the space between their rails and for one foot six inches outside of each rail; and, as against the said company, such price shall not exceed, in any case, the sum of two dollars and fifty cents per square yard; provided also that it shall be the duty of the city corporation to maintain the remainder of such streets at such a grade and state of repair as that at the distance of eighteen inches from the rails, such street shall be level or flush with the rails.

Proviso.

Proviso.

Proviso.

Provision if company neglects to repair.

3. Should the said railway company neglect to keep the track, or roadway, or crossings, or the space of eighteen inches on the outside of the rails and switches, in good condition and

in conformity with the grades of the said streets, or to have the necessary repairs made thereon, the city engineer, or other proper officer, shall give written notice, at the head office of the company, requiring such repairs, or change of grade, to be made forthwith, and unless such repairs, or change of grade, are commenced within days, and carried on, with all reasonable dispatch, to the satisfaction of the engineer of the city of Ottawa, the said engineer may cause such repairs to be made at the expense of the corporation of the said city, and the same shall be recoverable by the said corporation from the said company by suit or action in any court of competent jurisdiction.

Tax on company's cars.

4. The said corporation may by by-law enact and require that the said company shall pay to the said corporation a yearly sum, not exceeding the sum of twenty dollars, as a license fee for each and every car that may be used by the said company for the conveyance of passengers within the said city; and in the event of any such by-law being passed, the said company shall not, nor shall any person, or persons, on their behalf, run, or use, any car for the conveyance of passengers within the said city until the license fee therefor required by any such by-law has been first paid.

Corporation may require company to lay a double track.

5. The said company shall, whenever required by a by-law of the said corporation, lay a double railway track along that part of the route of their said railway lying within the limits of the city of Ottawa, or along any part thereof, as may be set forth in any such by-law; and all the provisions of said chapter one hundred and six, as hereby amended, shall apply to and be observed in the construction of any such double track, and to the form of rails to be used, the laying and gauge thereof, and the repair of the roadway between the rails of such double track, and of the streets of the said corporation to the distance of eighteen inches on the outside of each of the rails thereof laid within the said city, and otherwise, as if the same was a single track.

No. 34.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting the Ottawa City Passenger Railway Company.

1st Reading, 1880.

(PRIVATE BILL).

Mr. BASKERVILLE.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 36.] BILL. [1880.

An Act to divide the County of Renfrew for Registration purposes.

Preamble.

WHEREAS certain residents of the South Riding of the County of Renfrew have by their petition prayed that an Act may be passed to authorize the division of the County of Renfrew for Registration, and to establish the South Riding of said county as a separate Registry Division, with a separate Registry office, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Formation of Registry Division.

1. From and after the first day of April next, the said South Riding of the County of Renfrew, consisting of the Townships of McNab, Bagot, Blythfield, Brougham, Horton, Admaston, Grattan, Matawachan, Griffith, Lyndoch, Raglan, Radcliffe, Brudenell, Sebastopol, Hagarty, Richards, Sherwood, Burns, and Jones, and the Villages of Arnprior and Renfrew shall be declared and constituted a separate Registry Division, with a separate Registry office.

Registry office to be at Renfrew.

2. Such separate Registry office shall be established and erected at the aforesaid Village of Renfrew in said county.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to divide the County of Renfrew for Registration purposes.

1st Reading, 1880.

(PRIVATE BILL.)

Mr. BONFIELD.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 37.] **BILL.** [1880.

An Act to amend the Acts relating to the Credit Valley Railway Company.

Preamble.

WHEREAS the Credit Valley Railway Company have petitioned that an Act may be passed confirming a certain agreement made between the said company and the county of Oxford; and also confirming certain debentures issued by the town of Orangeville in aid of the said railway company, and for certain other purposes; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement with the county of Oxford confirmed.

1. The agreement made between the county of Oxford and the said Credit Valley Railway Company, bearing date the day of in the year of our Lord one thousand eight hundred and is hereby declared to be legal and binding.

Orangeville by-law confirmed.

2. The by-law passed by the town of Orangeville granting a bonus to the said company of fifteen thousand dollars, and the debentures issued or to be issued under the authority thereof, are hereby declared to be legal and binding.

Sale of certain property free from any lien.

3. And whereas the said company have recently purchased and received a conveyance of a certain property situated in the township of in the county of York, which property has been and now is occupied as an hotel, and is known as "The Wilson House," be it enacted that the said company are hereby authorized and empowered to sell and convey the said property, free from any debenture, lien or charge; and the said property, when so sold and conveyed, shall be freed and discharged from any lien or charge created by any bond or debenture made or issued by the said company.

Mileage conclusively determined by engineer's certificate.

4. The certificate of the engineer appointed for that purpose by the Commissioner of Public Works, and filed in the office of the said commissioner, shall be conclusive evidence of the actual mileage of the said railway, and the said railway company are hereby empowered to issue bonds or debentures upon the number of miles named in such certificate at the rate of twelve thousand dollars per mile, notwithstanding anything to the contrary contained in any Order in Council, statute, or resolution of the said company.

1st Session, 4th Parliament, 43 Vic., 1880.

BILL.

An Act to amend the Acts relating to the Credit Valley Railway Company.

First Reading, 1880.

(PRIVATE BILL.)

Mr. WELLS.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 37.] BILL. [1880.

An Act to amend the Acts relating to the Credit Valley Railway Company.

Preamble.

WHEREAS the Credit Valley Railway Company have petitioned that an Act may be passed confirming a certain agreement made between the said company and the county of Oxford; and also confirming certain debentures issued by the town of Orangeville in aid of the said railway company, and for certain other purposes; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Orangeville by-law confirmed.

1. The by-law passed by the town of Orangeville granting a bonus to the said company of fifteen thousand dollars, and the debentures issued or to be issued under the authority thereof, are hereby declared to be legal and binding.

Sale of certain property free from any lien.

2. And whereas the said company have recently purchased and received a conveyance of a certain property situated in the township of *York* in the county of York, which property has been and now is occupied as an hotel, and is known as "The Wilson House," be it enacted that the said company are hereby authorized and empowered to sell and convey the said property, free from any debenture, lien or charge; and the said property, when so sold and conveyed, shall be freed and discharged from any lien or charge created by any bond or debenture made or issued by the said company.

Mileage conclusively determined by engineer's certificate.

3. *The said railway company* are hereby empowered to issue bonds or debentures upon *the actual mileage of the said railway* at the rate of twelve thousand dollars per mile, anything contained in any Order in Council *or* statute *to the contrary notwithstanding.*

Exchange of new bonds for old.

4. ☞For the purpose of enabling the present bondholders of the said company to exchange the bonds now held by them for new bonds, the directors of the said company may, from time to time, make and issue new bonds to such an amount as may be necessary for such exchange, and of such denominations and payable at such time, and at such place or places, and bearing such rate of interest as to the said directors shall seem meet, and may deliver such new bonds to such bondholders as shall consent to make such exchange, and the said company shall cease to be liable upon the bonds so delivered in exchange to the said company; Provided always, that the powers herein contained shall not be exercised by the said directors until the said

Proviso.

directors shall have been duly authorized by resolution or by-law passed at a general meeting of the shareholders of the said company, to exercise the said powers; nor until a notice of the time and place of holding such meeting shall have been published, at least, two weeks in the *Ontario Gazette*, and in some newspaper published in the city of Toronto, for the same period; Provided, further, that the powers hereby granted shall only be exercised once; Provided, further, that in no case shall the total bond issue of the said company exceed twelve thousand dollars per mile of railway.

Proviso.

1st Session, 4th Parliament, 43 Vic., 1880.

BILL.

An Act to amend the Acts relating to the Credit Valley Railway Company.

(Reprinted as Amended.)

First Reading, 26th January, 1880.

(PRIVATE BILL.)

MR. WELLS.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 38.] **BILL.** [1880.

An Act relating to Christ Church, Ottawa.

Preamble.

WHEREAS the Venerable J. S. Lauder, Archdeacon of Ottawa and Rector of Christ Church at Ottawa and Alexander J. Cambie and William Cassels Churchwardens of Christ Church aforesaid in pursuance of resolutions passed at special meetings of the vestry of said church, held after notice, on the twenty-eighth day of October, in the year of our Lord one thousand eight hundred and seventy-eight, have petitioned for an Act authorizing them to issue debentures for such an amount as will be sufficient to redeem such of the debentures issued, and now outstanding, by virtue of an Act passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, chaptered one hundred and thirty-six, and to pay a floating debt now owing by the said vestry, and such amount in the whole not to exceed the sum of twenty thousand dollars: and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of debentures authorized.

1. The rector and churchwardens of the church aforesaid and their successors, as such, are hereby authorized and empowered to cause to be issued debentures in currency or sterling to such amount as may be necessary to redeem such of the debentures issued by virtue of the Act passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, chaptered one hundred and thirty-six, as are now outstanding, and to pay a floating debt now owing by the said vestry, such amount in the whole not to exceed the sum of twenty thousand dollars, in such sums not less than one hundred dollars each, at such rate of interest, and redeemable at such times and places as they may determine, and the money to be raised by the issue of the said debentures shall be applied solely to the redemption of such of the said debentures as are now outstanding, and issued by virtue of the statute aforesaid, and to payment of the said floating debt.

Property on which debentures charged.

2. The debentures so issued as aforesaid shall, without registration or formal conveyance, be taken and considered to be charges upon the property of the said vestry as hereinafter specified; and each holder of any of the said debentures shall be deemed to be a mortgagee, and incumbrancer, *pro rata*, with the other holders thereof, upon the now unincumbered church lots number twenty-one, on the south side of Sparks street, and number twenty-one on the north side of Queen street, in the city of Ottawa aforesaid; and upon the parsonage

lots number twenty-two, on the south side of Sparks street, and number twenty-two on the north side of Queen street, in the city aforesaid, with all buildings and edifices which now are, or hereafter may be, erected upon the four lots above mentioned, and also upon a policy or policies of insurance for the full amount of the debentures issued, to be effected upon the said buildings and edifices.

Interest of debentures a first charge on pew rents.

3. The interest of the said debentures shall be the first charge upon the assessments of proprietory and the rents of vestry pews, and it shall be the duty of the churchwardens in each year, out of the revenues of the church, to pay the whole interest falling due in such year, and also to lay by and invest safely such sum yearly as may be required to form a sinking fund sufficient to pay off the principal of the said debentures as they respectively become due.

Purchasers not bound to see to application of money.

4. No person advancing money on debentures authorized by this Act to be issued, shall be in any way bound to see to the application of the money so advanced.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act relating to Christ Church, Ottawa.

First Reading, 1880.

(PRIVATE BILL.)

Mr. MACK.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 38.] BILL. [1880.

An Act relating to Christ Church, Ottawa.

Preamble

WHEREAS the Venerable J. S. Lauder, Archdeacon of Ottawa, and Rector of Christ Church at Ottawa, and Alexander J. Cambie and William Cousens, Churchwardens of Christ Church aforesaid, *have by their petition prayed that in pursuance of* resolutions passed at special meetings of the vestry of said church, an Act *should be passed* authorizing them to issue debentures for such an amount as will be sufficient to redeem such of the debentures issued, and now outstanding, by virtue of an Act passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, chaptered one hundred and thirty-six, and to pay a floating debt now owing by the said vestry, and such amount in the whole not to exceed the sum of twenty thousand dollars; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of debentures authorized.

1. The rector and churchwardens of the church aforesaid, and their successors, as such, are hereby authorized and empowered to execute and issue debentures, in currency or sterling, to such an amount as may be necessary to redeem such of the debentures issued by virtue of the Act passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, chaptered one hundred and thirty-six, as are now outstanding, and to pay a floating debt now owing by the said vestry, such amount in the whole not to exceed the sum of twenty thousand dollars, in such sums not less than one hundred dollars each, at such rate of interest, and redeemable at such times and places as they may determine, and the money to be raised by the issue of the said debentures shall be applied solely to the redemption of such of the said debentures as are now outstanding, and issued by virtue of the statute aforesaid, and to payment of the said floating debt *now existing, and not otherwise.*

Property on which debentures charged.

2. The debentures so *to be* issued *under this Act* as aforesaid shall, without registration or formal conveyance, be taken and considered to be charges upon the property of the said vestry as hereinafter specified, but only, and shall in terms state that they are such charges only, upon the said property next after the debentures authorized to be issued by the said Act passed in the thirty-sixth year of the reign of Her Majesty, chaptered one hundred and thirty-six; and each holder of any of the said debentures *issued under this Act* shall be deemed to be a mortgagee, and incumbrancer, *pro rata*, with the other holders

thereof, upon church lots number twenty-one, on the south side of Sparks street, and number twenty-one on the north side of Queen street, in the city of Ottawa aforesaid; and upon the parsonage lots number twenty-two, on the south side of Sparks street, and number twenty-two on the north side of Queen street, in the city aforesaid, with all buildings and edifices which now are, or hereafter may be, erected upon the four lots above mentioned, and also upon a policy or policies of insurance for the full amount of the debentures issued, to be effected upon the said buildings and edifices, ☞ but only next after the holders of the debentures issued under the said Act passed in the thirty-sixth year of the reign of Her present Majesty, and chaptered one hundred and thirty-six. ☜

Interest of debentures a first charge on pew rents.

☞ 3. Subject to and next after the charges created and now existing in favour of the debentures issued under the said Act passed in the thirty-sixth year of the reign of Her present Majesty, the interest of the debentures to be issued under this Act shall be a ☜ charge upon the assessments of proprietary, and the rents of vestry pews, and *subject as aforesaid*, it shall be the duty of the churchwardens in each year, out of the revenues of the church, to pay the whole interest falling due in such year, and also to lay by and invest safely such sum yearly as may be required to form a sinking fund sufficient to pay off the principal of the said debentures as they respectively become due.

Purchasers not bound to see to application of money.

4. No person advancing money on debentures authorized by this Act to be issued, shall be in any way bound to see to the application of the money so advanced.

No. 38.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act relating to Christ Church, Ottawa.

(Reprinted as Amended.)

1st Reading, 22nd January, 1880.

(PRIVATE BILL.)

Mr. MONK.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 59] BILL. [1880.

An Act to amend the Act incorporating the William Hall Peterborough Protestant Poor Trust.

Preamble.

WHEREAS the managers of the temporal affairs of the Congregation of Presbyterians in the Town of Peterborough, known as the Congregation of St. Andrew's Church, have by their petition represented that the said congregation was entitled under the deed of trust, referred to in the preamble of the said Act of incorporation, to be represented on the board of trustees of the said William Hall Peterborough Protestant Poor Trust, by two trustees selected from the said congregation, and that doubts have arisen as to whether under the said Act such representation has been secured to the said congregation as was intended by the said deed, and have prayed that such amendments may be made to the said Act as will remove the said doubts, and permanently ensure to the said congregation the same representation on the said board as it was entitled to under the said deed, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Preamble of 40 Vic., c. 59, amended.

1. In the thirtieth line of the preamble of the said Act, passed in the fortieth year of the reign of Her Majesty, and chaptered fifty-nine, immediately after the word "Presbyterians," the following words shall be added, "two having been selected from each congregation."

Sec. 3 of 40 Vic., c. 59, repealed and new section substituted.

2. Section three of the said Act is hereby repealed, and the following substituted therefor:—

"The said trust shall consist of a board of eight trustees, all resident in the County of Peterborough, two of whom shall be members or adherents of St. Paul's, and two of St. Andrew's Congregation, of the Presbyterian Church in Canada, in the Town of Peterborough, one a member or adherent of the United Church of England and Ireland, one a member or adherent of the Wesleyan Methodist Church in Canada in connection with the English Conference, one a member or adherent of the regular Baptist Denomination, one a member or adherent of the Bible Christian Church in Canada, and in the event of any of the said trustees or their successors ceasing to be a member or adherent of either the congregation or denomination to which he belonged at the time of his appointment, he shall thereupon become disqualified, and his seat on the said board shall thereupon become vacant, and a certificate signed by the minister of such congregation or denomination setting forth that such trustee has ceased to be a member or

adherent of such congregation or denomination shall be sufficient notice to the secretary of the said board of such disqualification.

Sec. 5 of 40 Vic., c. 59, repealed and new section substituted.

3. Section five of the said Act is hereby repealed and the following substituted therefor :—

In the event of any of the said trustees or any future trustee dying or resigning or becoming incapable of acting or disqualified by reason of his ceasing to be a member or adherent of either the congregation or denomination to which he belonged at the time of his appointment, or of his ceasing to reside in the said County of Peterborough, a successor to such trustee so dying or resigning or becoming incapable to act or disqualified shall be appointed in the manner following :—Upon the happening of any of the events aforesaid it shall be the duty of the secretary of the said board forthwith to notify the minister of the congregation to which such trustee so dying or resigning or becoming incapable or disqualified belonged at the time of his appointment of such event having happened, and such minister shall as soon thereafter as convenient call a meeting of his congregation, in the manner in which it is usual to call congregational meetings according to the ordinances of his church, for the purpose of electing a successor to the trustee so dying or resigning or becoming incapable or disqualified, and such new trustee shall be elected by the majority of the members of the said church present at the said meeting, and the said minister shall thereupon certify such election to the secretary of the said board.

This Act and 40 Vic., c. 59, to be read as one.

4. This Act shall be read and construed as if the same had been incorporated with and formed part of the said Act entitled an Act to incorporate the William Hall Peterborough Protestant Poor Trust.

1st Session, 4th Parliament, 43 Vic., 1880.

BILL.

An Act to amend the Act Incorporating the William Hall Peterborough Protestant Poor Trust.

1st Reading, 1880.

(PRIVATE BILL.)

Mr. Scott.

TORONTO:

Printed by C. Blackett Robinson.

No. 39.] BILL. [1880.

An Act to amend the Act incorporating the William Hall Peterborough Protestant Poor Trust.

WHEREAS the managers of the temporal affairs of the Congregation of Presbyterians in the Town of Peterborough, known as the Congregation of St. Andrew's Church, have by their petition represented that the said congregation was entitled under the deed of trust, referred to in the preamble of the said Act of incorporation, to be represented on the board of trustees of the said William Hall Peterborough Protestant Poor Trust, by two trustees selected from the said congregation, and that doubts have arisen as to whether under the said Act such representation has been secured to the said congregation as was intended by the said deed, and have prayed that such amendments may be made to the said Act as will remove the said doubts, and permanently ensure to the said congregation the same representation on the said board as it was entitled to under the said deed, and it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In the thirtieth line of the preamble of the said Act, passed in the fortieth year of the reign of Her Majesty, and chaptered fifty-nine, immediately after the word "Presbyterians," the following words shall be added, "two having been selected from each congregation." Preamble of 40 Vic., c. 59, amended.

2. Section three of the said Act is hereby repealed, and the following substituted therefor:— Sec. 3 of 40 Vic., c. 59, repealed and new section substituted.

"The said trust shall consist of a board of eight trustees, all resident in the County of Peterborough, two of whom shall be members or adherents of St. Paul's, and two of St. Andrew's Congregation, of the Presbyterian Church in Canada, in the Town of Peterborough, one a member or adherent of the United Church of England and Ireland, one a member or adherent of the Wesleyan Methodist Church in Canada in connection with the English Conference, one a member or adherent of the regular Baptist Denomination, one a member or adherent of the Bible Christian Church in Canada, and in the event of any of the said trustees or their successors ceasing to be a member or adherent of either the congregation or denomination to which he belonged at the time of his appointment, he shall thereupon become disqualified, and his seat on the said board shall thereupon become vacant, and a certificate signed by the minister of such congregation or denomination setting forth that such trustee has ceased to be a member or

adherent of such congregation or denomination, shall be sufficient notice to the secretary of the said board of such disqualification.

Sec. 5 of 40 Vic., c. 59, repealed and new section substituted.

3. Section five of the said Act is hereby repealed and the following substituted therefor:—

In the event of any of the said trustees or any future trustee dying or resigning or becoming incapable of acting or disqualified by reason of his ceasing to be a member or adherent of either the congregation or denomination to which he belonged at the time of his appointment, or of his ceasing to reside in the said County of Peterborough, a successor to such trustee so dying or resigning or becoming incapable to act or disqualified shall be appointed in the manner following:—Upon the happening of any of the events aforesaid it shall be the duty of the secretary of the said board forthwith to notify the minister of the congregation to which such trustee so dying or resigning or becoming incapable or disqualified belonged at the time of his appointment of such event having happened, and such minister shall as soon thereafter as convenient call a meeting of his congregation, in the manner in which it is usual to call congregational meetings according to the ordinances of his church, for the purpose of electing a successor to the trustee so dying or resigning or becoming incapable or disqualified, and such new trustee shall be elected by the majority of the members of the said church present at the said meeting, and the said minister shall thereupon certify such election to the secretary of the said board.

This Act and 40 Vic., c. 59, to be read as one.

4. This Act shall be read and construed as if the same had been incorporated with and formed part of the said Act entitled an Act to incorporate the William Hall Peterborough Protestant Poor Trust.

Pending suits not affected

5. Nothing in this Act contained shall affect, or be construed to affect, any suit, proceeding, or action whatever now pending.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the Act incorporating the William Hall Peterborough Protestant Poor Trust.

(Reprinted as Amended.)

1st Reading, 28th January, 1880.

(PRIVATE BILL.)

Mr. Scott.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON,

No. 39.] BILL. [1880.

An Act to amend the Act incorporating the William Hall Peterborough Protestant Poor Trust.

Preamble.

WHEREAS the managers of the temporal affairs of the Congregation of Presbyterians in the Town of Peterborough, known as the Congregation of St. Andrew's Church, have by their petition represented that the said congregation was entitled under the deed of trust, referred to in the preamble of the said Act of incorporation, to be represented on the board of trustees of the said William Hall Peterborough Protestant Poor Trust, by two trustees selected from the said congregation, and that three of the trustees on the said board, representing the Presbyterian Church in Canada, namely: Frederick William Haultain, William Hamilton Taylor and Robert Fairbairn are now members or adherents of the congregation of St. Paul's Church in Peterborough, and another member of the said board, representing the said Presbyterian Church in Canada, namely, John Carnegie, is a member or adherent of the congregation of St. Andrew's Church in Peterborough: and, whereas it is desirable that as to such one of the said members or adherents of the congregation of St. Paul's church firstly hereafter ceasing to be a member of the said board, his successor shall be elected by the congregation of St. Andrew's Church so as to permanently ensure to the said congregation a representation thereafter of two members on the said board, and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Present trustees continued.

1. The present board of trustees of the said trust, namely: Frederick William Haultain, William Hamilton Taylor, Robert Fairbairn and John Carnegie as representing the Presbyterian Church in Canada; Alfred Passmore Ponssette as representing the Church of England, Thomas Willan Robinson as representing the Wesleyan Methodist Church in Canada, Alexander Gillespie as representing the regular Baptist denomination, and William Yelland as representing the Bible Christian Church in Canada, shall be and remain the trustees of the said board until they respectively die, resign, or hereafter become incapable of acting, or disqualified, as hereinafter provided.

Election by congregation of St. Andrew's Church of a trustee.

2. Whoever of them the said Frederick William Haultain, William Hamilton Taylor, or Robert Fairbairn first ceases to be a member of the *said* board, it shall be the duty of the secretary of the board to forthwith notify the minister of said St. Andrew's Church of such vacancy, and thereupon the congregation of the said St. Andrew's Church shall proceed to the

election of a successor to the said trustee as if the said trustee had been a member of the congregation of St. Andrew's Church.

Number and qualification of trustees.

3. Subject as hereinbefore provided and to the provisions *in* this Act contained, "The said trust shall consist of a board of eight trustees, all resident in the County of Peterborough, two of whom shall be members or adherents of St. Paul's, and two of St. Andrew's Congregation, of the Presbyterian Church in Canada, in the Town of Peterborough, one a member or adherent of the Church of England, in the Town of Peterborough, one a member or adherent of the Wesleyan Methodist Church in Canada, in the Town of Peterborough, one a member or adherent of the Regular Baptist Denomination, in the Town of Peterborough, and one a member or adherent of the Bible Christian Church in Canada, in the Town of Peterborough, and in the event of any of the said trustees or their successors hereafter ceasing to be a member or adherent of either the congregation or denomination to which he belonged at the time of his appointment, he shall thereupon become disqualified, and his seat on the said board shall thereupon become vacant, and a certificate signed by the minister of such congregation, or denomination setting forth that such trustee has ceased to be a member or adherent of such congregation or denomination, shall be notice to the secretary of the said board of such disqualification, and thereupon the said secretary shall notify in writing the trustee whose disqualification is so certified to him of the receipt by him of the said certificate, and unless within ten days from the mailing of such notice to the said trustee, he disputes in writing the truth of the said certificate, the secretary of the board shall take the necessary steps for the election of a successor to such trustee, as provided by this Act.

Mode of appointing trustees.

4. From and after the passing of this Act, but subject nevertheless to the provisions in this Act contained: in the event of any of the said trustees or any future trustee dying or resigning or becoming incapable of acting, or disqualified by reason of his *hereafter* ceasing to be a member or adherent of either the congregation or denomination to which he belonged at the time of his appointment, or of his ceasing to reside in the said County of Peterborough, a successor to such trustee so dying or resigning or becoming incapable to act or disqualified shall be appointed in the manner following:—Upon the happening of any of the events aforesaid it shall be the duty of the secretary of the said board forthwith to notify the minister of the congregation, to which such trustee so dying or resigning or becoming incapable or disqualified belonged at the time of his appointment, of such event having happened, and such minister shall as soon thereafter as convenient call a meeting of his congregation, in the manner in which it is usual to call congregational meetings according to the ordinances of his church, for the purpose of electing a successor to the trustee so dying or resigning or becoming incapable or disqualified, and such new trustee shall be elected by the majority of the members of the said church present at the said meeting, and the said minister shall thereupon certify such election to the secretary of the said board, whose duty it shall be to record such election in the minute book of the board, setting forth the date of such election, and the congregation represented by such new trustee.

No. 39.

1st Session, 4th Legislature, 43 Vic., 1880

BILL.

An Act to amend the Act incorporating the William Hall Peterborough Protestant Poor Trust.

(Reprinted as Amended.)

1st Reading, 28th January, 1880.

(PRIVATE BILL.)

MR. SCOTT.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 40.] BILL. [1880.

An Act to incorporate the Sault Ste. Marie Railway Company.

Preamble.

WHEREAS the construction of a railway from Sault Ste. Marie, in the District of Algoma, eastward to a point at or near Lake Nipissing, and from such point southward, to connect with the Ontario system of railways at or near Gravenhurst, in the District of Muskoka, has become desirable to aid in the development of a large portion of this Province; and whereas a petition has been presented for the incorporation of a company for that purpose; and it is expedient to grant the prayer of such petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. James D. Edgar, the Honourable Frank Smith, the Honourable Alexander Morris, James S. McMurray, John Stuart, Adam Brown, George A. Cox, C. J. Campbell, Robert Jaffray, James Holden, S. J. Dawson, and Alexander T. Fulton, together with all such persons and corporations as shall become shareholders in the company hereby incorporated, shall be and are hereby constituted a body corporate and politic, by and under the name of "The Sault Ste. Marie Railway Company."

Location and gauge of line.

2. The said company shall have full power and authority to lay out, construct and complete a double or single iron or steel railway, of a gauge of four feet eight and one-half inches in width, from Sault Ste. Marie, in the District of Algoma, eastward to a point at or near Lake Nipissing, and from such point southward, to connect with the Ontario system of railways, at or near Gravenhurst, in the District of Muskoka, and shall have full power to build the same in sections.

Power to take sufficient land on line of railway for erection of snow fences.

3. Notwithstanding anything contained in the sections of "The Railway Act of Ontario" respecting "lands and their valuation," the said company may acquire land and water-lot property for the purpose of their undertaking in the manner provided for by the said sections, and may acquire, under the provisions in that behalf of the said Act, and hold such width of land on the sides of the railway and its branches, at any point, as may be needed for the erection of snow-drift fences or barriers, at a sufficient distance from the track, to prevent the obstruction of the line by drifting snow; and the compensation to be paid to the owners for such lands, as also the power of the company to take possession thereof, shall, in case of difference, be ascertained and exercised in the manner provided by the said sections of the said Railway Act.

Provisional directors and their powers.

4. The persons named in the first section of this Act, with power to add to their number, shall be and are hereby constituted provisional directors of the said company, of whom five shall be a quorum, and shall hold office as such until the first election of directors under this Act; and shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect of their stock, and to sue for and recover the same, and to cause plans and surveys to be made, and to acquire any plans and surveys now existing, and to deposit in any chartered bank of Canada all moneys received by them on account of stock subscriptions, and to withdraw the same for the purposes of the undertaking, and to receive for the company any grant, loan, bonus or gift made to it in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as, under "The Railway Act of Ontario," are vested in ordinary directors.

Capital.

5. The capital stock of the company shall be one million of dollars (with power to increase the same, under "The Railway Act of Ontario"), to be divided into shares of one hundred dollars each; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act and the organization of the said company, and for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act.

Ten per cent to be paid on stock within one month after subscription.

6. No subscription for stock in the capital of the company shall be binding on the company, unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Aid to company.

7. The said company may receive, either from any Government or from any persons or bodies corporate, municipal, or politic, who may have power to make or grant the same, bonuses, loans or gifts of money, or securities for money, in aid of the construction, equipment or maintenance of the said railway.

Meeting for election of directors.

8. When and so soon as shares to the amount of one hundred thousand dollars in the capital stock of the said company shall have been subscribed, and the sum of ten thousand dollars paid thereon, the provisional directors shall call a general meeting of the subscribers to the said capital stock, at the city of Toronto, for the purpose of electing directors of the said company, giving at least two weeks' notice, by advertisement in the *Ontario Gazette*, of the time, place, and purpose of said meeting.

Number of directors, etc.

9. At such general meeting the subscribers for the capital stock assembled, who shall have paid up ten per centum thereon, with such proxies as may be present, shall choose nine persons to be directors of the said company (of whom five shall be a quorum); and may also pass such rules, regula-

tions and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and "The Railway Act of Ontario."

Qualification of directors.

10. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least twenty shares of stock in the company, and unless he has paid up all calls thereon.

Annual meeting.

11. Thereafter the general annual meeting of the shareholders of the said company shall be held at such place in the city of Toronto, and on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least fourteen days previously in the *Ontario Gazette*, and in one or more newspapers published at the city of Toronto, and special general meetings of the shareholders of the said company may be held at such places in the city of Toronto, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the company.

Issue of bonds authorized.

12. The directors of the company are hereby authorized to issue bonds, under the seal of the company, signed by its president or other presiding officer and countersigned by its secretary; and such bonds may be made payable in such money or moneys, at such times, in such manner, and at such place or places in Canada or elsewhere, and bearing such rate of interest as the directors shall think proper; and the directors shall have power to issue, and sell, or pledge all or any of the said bonds, at such price and upon such terms and conditions as they may think fit, for the purpose of raising money for prosecuting the said undertaking: Provided, that the amount of such bonds shall not exceed twenty thousand dollars per mile, to be issued in proportion to the length of railway constructed or under contract to be constructed.

Proviso.

Bonds a first charge on railway.

13. The bonds hereby authorized to be issued shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the said company and their undertaking, tolls and income, and real and personal property thereof, now or at any time hereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer upon the undertaking, income and property of the company as aforesaid, *pro rata*, with all the other bondholders: and in the event, at any time, of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said company, all holders of bonds so being and remaining in default shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders: Provided, nevertheless, that such rights shall not be exercised by any bondholder unless the bonds in respect of which he shall claim to exercise such rights shall have been first registered in his name, in the same manner as is provided by law for the registration of the shares of the said company, and nothing in this section contained shall in any way impair the other rights of bondholders.

Proviso.

Bonds may be made payable to bearer.

14. All the bonds hereby authorized and the coupons and interest warrants thereon may be made payable to bearer, and

shall in that case be transferable by delivery: and any holder of any such bonds or coupons so made payable to bearer may sue at law thereon in his own name unless, and until registry thereof in manner provided in the next preceding section, and while so registered they shall be transferable by written transfer, registered in the same manner as in the case of shares, but they shall again become transferable by delivery upon the registration of a transfer to bearer, which the company shall be bound to register on the demand of the registered holder for the time being.

Powers as to promissory notes, etc.

15. The said company shall have power to become a party to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such note or bill made, accepted, or endorsed by the president or vice-president of the company and countersigned by the secretary and under the authority of a quorum of the directors shall be binding on the company; and any such promissory note or bill of exchange so made shall be presumed to have been so made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the company affixed to such note or bill, nor shall the officers signing the same be individually responsible for the same unless issued without the sanction and authority of the board as aforesaid.

Calls.

16. The directors may at any time call upon the shareholders for such instalments upon each share and in such proportions as they may see fit, but no such instalment shall exceed ten per centum on the subscribed stock, and thirty days' notice of each call shall be given as prescribed by the by-laws of the company.

Agreements with other companies.

17. The said company shall have power to make running arrangements with any railway lines situate on the line hereby authorized, or crossing or connecting with the same, upon terms to be approved by two-thirds of the shareholders at a special general meeting to be held for that purpose; and it shall also be lawful for the said company to enter into any agreement with any other railway company whose line is situate on the line hereby authorized, or whose line can connect therewith, for leasing the said Sault Ste. Marie Railway or any part thereof, or the use thereof at any time or times, or for leasing or hiring from such other company any railway or part thereof, or the use thereof, or for leasing or hiring any locomotives, tenders, plant, rolling stock, or other property of either or of both, or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds of the shareholders voting in person or by proxy, at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof; and any company or individual accepting and executing such lease shall be and is hereby empowered to exercise all the rights and privileges in this charter conferred.

Proviso.

Form of conveyances.

18. Conveyances of land to the said company for the purposes of this Act may be made in the form in the schedule hereto annexed, or to the like effect, and may be registered.

19. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits or for constructing, maintaining and using the said railway, or for opening a street to any station from any existing highway, the said company may purchase, hold, use or enjoy such lands and also the right of way thereto if the same be separated from their railway, and may sell and convey the same or parts thereof from time to time as they may deem expedient; and may also make use of, for the purposes of the said railway, the water of any stream or water course on or near which the said railway passes, doing however no unnecessary damage thereto and not impairing the usefulness of such stream or watercourse; and the compensation to be paid to the owners for such lands or the use of such water, as also the powers of the said company to take possession thereof shall in case of difference be ascertained and exercised in the manner provided in the sections of the "Railway Act of Ontario," respecting "lands and their valuation." Right to acquire and hold lands.

20. The said company may also construct an electric telegraph line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph line the powers conferred upon telegraph companies by the Act respecting telegraph companies, being chapter one hundred and fifty-one of the Revised Statutes of Ontario, are hereby conferred upon the said company. Telegraph line.

21. The railway shall be commenced within five years, and completed within ten years after the passing of this Act. Commencement and completion.

SCHEDULE.

(Section 18.)

Know all men by these presents, that I (*or* we) (*insert the names of the vendors*), in consideration of dollars paid to me (*or* us) by the Sault Ste. Marie Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (*or* we) (*insert the names of any other party or parties*), in consideration of dollars paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant or release all that certain parcel (*or* those certain parcels) (*as the case may be*) of land situated (describe the lands), the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said Sault Ste. Marie Railway Company, their successors and assigns (*here insert any other clauses, covenants or conditions required*), and I (*or* we), the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of A.D. 18 .

Signed, sealed and delivered in the presence of } [L.S.]

1st Session, 4th Legislature, 34 Vic., 1880.

BILL.

An Act to incorporate the Sault Ste. Marie Railway Company.

1st Reading, 1880.

(PRIVATE BILL.)

Mr. LYON.

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET.

No. 40.] BILL. [1880.

An Act to incorporate the Sault Ste. Marie Railway Company.

Preamble.

WHEREAS the construction of a railway from Sault Ste. Marie, in the District of Algoma, eastward to a point at or near Lake Nipissing, has become desirable to aid in the development of a large portion of this Province; and whereas a petition has been presented for the incorporation of a company for that purpose; and it is expedient to grant the prayer of such petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. James D. Edgar, the Honourable Frank Smith, the Honourable Alexander Morris, James S. McMurray, John Stuart, Adam Brown, George A. Cox, C. J. Campbell, Robert Jaffray, James Holden, S. J. Dawson, and Alexander T. Fulton, together with all such persons and corporations as shall become shareholders in the company hereby incorporated, shall be and are hereby constituted a body corporate and politic, by and under the name of "The Sault Ste. Marie Railway Company."

Location and gauge of line.

2. The said company shall have full power and authority to lay out, construct and complete a double or single iron or steel railway, of a gauge of four feet eight and one-half inches in width, from Sault Ste. Marie, in the District of Algoma, eastward to a point at or near Lake Nipissing.

Power to take sufficient land on line of railway for erection of snow fences.

3. Notwithstanding anything contained in the sections of "The Railway Act of Ontario" respecting "lands and their valuation," the said company may acquire land and water-lot property for the purpose of their undertaking in the manner provided for by the said sections, and may acquire, under the provisions in that behalf of the said Act, and hold, such width of land on the sides of the railway and its branches, at any point, as may be needed for the erection of snow-drift fences or barriers, at a sufficient distance from the track to prevent the obstruction of the line by drifting snow; and the compensation to be paid to the owners for such lands, as also the power of the company to take possession thereof, shall, in case of difference, be ascertained and exercised in the manner provided by the said sections of the said Railway Act.

Provisional directors and their powers.

4. The persons named in the first section of this Act, with power to add to their number, shall be and are hereby constituted provisional directors of the said company, of whom five

shall be a quorum, and shall hold office as such until the first election of directors under this Act; and shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect of their stock, and to sue for and recover the same, and to cause plans and surveys to be made, and to acquire any plans and surveys now existing, and to deposit in any chartered bank of Canada all moneys received by them on account of stock subscriptions, and to withdraw the same for the purposes of the undertaking, and to receive for the company any grant, loan, bonus or gift made to it in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as, under "The Railway Act of Ontario," are vested in ordinary directors.

Capital.

5. The capital stock of the company shall be one million of dollars (with power to increase the same, under "The Railway Act of Ontario"), to be divided into shares of one hundred dollars each; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act and the organization of the said company, and for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act.

Ten per cent to be paid on stock within one month after subscription.

6. No subscription for stock in the capital of the company shall be binding on the company, unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Aid to company.

7. The said company may receive, either from any Government or from any persons or bodies corporate, municipal, or politic, who may have power to make or grant the same, bonuses, loans or gifts of money, or securities for money, in aid of the construction, equipment or maintenance of the said railway.

Meeting for election of directors.

8. When and so soon as shares to the amount of one hundred thousand dollars in the capital stock of the said company shall have been subscribed, and the sum of ten thousand dollars paid thereon, the provisional directors shall call a general meeting of the subscribers to the said capital stock, at the city of Toronto, for the purpose of electing directors of the said company, giving at least two weeks' notice, by advertisement in the *Ontario Gazette and in one of the daily papers published in the City of Toronto*, of the time, place, and purpose of said meeting.

Number of directors, etc.

9. At such general meeting the subscribers for the capital stock assembled, who shall have paid up ten per centum thereon, with such proxies as may be present, shall choose nine persons to be directors of the said company (of whom five shall be a quorum); and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and "The Railway Act of Ontario."

10. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least twenty shares of stock in the company, and unless he has paid up all calls thereon. Qualification of directors.

11. Thereafter the general annual meeting of the shareholders of the said company shall be held at such place in the city of Toronto, and on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least fourteen days previously in the *Ontario Gazette*, and in one or more newspapers published at the city of Toronto, and special general meetings of the shareholders of the said company may be held at such places in the city of Toronto, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the company. Annual meeting.

12. The directors of the company are hereby authorized to issue bonds, under the seal of the company, signed by its president or other presiding officer and countersigned by its secretary; and such bonds may be made payable in such money or moneys, at such times, in such manner, and at such place or places in Canada or elsewhere, and bearing such rate of interest as the directors shall think proper; and the directors shall have power to issue, and sell, or pledge all or any of the said bonds, at such price and upon such terms and conditions as they may think fit, for the purpose of raising money for prosecuting the said undertaking: Provided, that the amount of such bonds shall not exceed twenty thousand dollars per mile, to be issued in proportion to the length of railway constructed or under contract to be constructed. Issue of bond authorized. Proviso.

13. The bonds hereby authorized to be issued shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking *and the real property of the company, including its rolling stock and equipments*, now or at any time hereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer upon the undertaking and property of the company as aforesaid, *pro rata*, with all the other bondholders; and in the event, at any time, of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said company, all holders of bonds so being and remaining in default shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders: Provided, nevertheless, that such rights shall not be exercised by any bondholder unless the bonds in respect of which he shall claim to exercise such rights shall have been first registered in his name, in the same manner as is provided by law for the registration of the shares of the said company, and nothing in this section contained shall in any way impair the other rights of bondholders. Bonds a first charge on railway. Proviso.

14. All the bonds hereby authorized and the coupons and interest warrants thereon may be made payable to bearer, and shall in that case be transferable by delivery; and any holder of any such bonds or coupons so made payable to bearer may sue at law thereon in his own name unless, and until regis- Bonds may be made payable to bearer.

try thereof in manner provided in the next preceding section, and while so registered they shall be transferable by written transfer, registered in the same manner as in the case of shares, but they shall again become transferable by delivery upon the registration of a transfer to bearer, which the company shall be bound to register on the demand of the registered holder for the time being.

Powers as to promissory notes, etc.

15. The said company shall have power to become a party to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such note or bill made, accepted, or endorsed by the president or vice-president of the company and countersigned by the secretary and under the authority of a quorum of the directors shall be binding on the company; and any such promissory note or bill of exchange so made shall be presumed to have been so made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the company affixed to such note or bill, nor shall the officers signing the same be individually responsible for the same unless issued without the sanction and authority of the board as aforesaid; ☞ Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of banks. ☜

Proviso.

Calls.

16. The directors may at any time call upon the shareholders for such instalments upon each share and in such proportions as they may see fit, but no such instalment shall exceed ten per centum on the subscribed stock, and thirty days' notice of each call shall be given as prescribed by the by-laws of the company.

Agreements with other companies,

17. The said company shall have power to make running arrangements with any railway lines situate on the line hereby authorized, or crossing or connecting with the same, *which is or are lawfully empowered to enter into such an agreement,* upon terms to be approved by two-thirds of the shareholders at a special general meeting to be held for that purpose; and it shall also be lawful for the said company to enter into any agreement with any other railway company whose line is situate on the line hereby authorized, or whose line can connect therewith *and which is lawfully authorized to enter into such an agreement,* for leasing the said Sault Ste. Marie Railway or any part thereof, or the use thereof at any time or times, or for leasing or hiring from such other company any railway or part thereof, or the use thereof, or for leasing or hiring any locomotives, tenders, plant, rolling stock, or other property of either or of both, or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds of the shareholders voting in person or by proxy, at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof; and any company or individual accepting and executing such lease shall be and is hereby empowered to exercise all the rights and privileges in this charter conferred.

Proviso.

18. The said company shall at all times work and operate its railway so as to afford equal facilities for the receipt, transfer and transportation to, from or over the same of the traffic of all other lines of railway in Canada which may connect with the railway of the said company, and the said company shall establish, levy and collect equal tolls, rates and charges in respect of the traffic received from or to be delivered to all such other railways, and so that the same shall be received, transferred, transported and delivered, and the tolls and charges in respect of the same shall be levied and collected on terms of absolute equality and without discrimination of any sort in favour of or against the traffic of any other such railway. The word "traffic" in this section shall mean not only passengers and their baggage, goods, animals and things conveyed by railway, but also cars, trucks and vehicles of any description adapted for running on any railway, and whether loaded or unloaded, owned or leased by or consigned to any such other connecting railway in Canada.

Facilities to be afforded to traffic of other companies.

Meaning of word "traffic."

19. Conveyances of land to the said company for the purposes of this Act may be made in the form in the schedule hereto annexed, or to the like effect, and may be registered.

Form of conveyances.

20. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits or for constructing, maintaining and using the said railway, or for opening a street to any station from any existing highway, the said company may purchase, hold, use or enjoy such lands and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or parts thereof from time to time as they may deem expedient; and may also make use of, for the purposes of the said railway, the water of any stream or water course on or near which the said railway passes, doing however no unnecessary damage thereto and not impairing the usefulness of such stream or watercourse; and the compensation to be paid to the owners for such lands or the use of such water, as also the powers of the said company to take possession thereof, shall in case of difference be ascertained and exercised in the manner provided in the sections of the "Railway Act of Ontario," respecting "lands and their valuation."

Right to acquire and hold lands.

21. The said company may also construct an electric telegraph line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph line the powers conferred upon telegraph companies by the Act respecting telegraph companies, being chapter one hundred and fifty-one of the Revised Statutes of Ontario, are hereby conferred upon the said company.

Telegraph line.

22. The railway shall be commenced within five years, and completed within ten years after the passing of this Act.

Commencement and completion.

SCHEDULE.

(Section 19.)

Know all men by these presents, that I (*or* we) (*insert the names of the vendors*), in consideration of dollars

paid to me (*or* us) by the Sault Ste. Marie Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (*or* we) (*insert the names of any other party or parties*), in consideration of dollars paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant or release all that certain parcel (*or* those certain parcels) (*as the case may be*) of land situated (*describe the lands*), the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said Sault Ste. Marie Railway Company, their successors and assigns (*here insert any other clauses, covenants or conditions required*), and I (*or* we), the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of A.D. 18 .

Signed, sealed and delivered in the presence of } [L.S.]

2—40

No. 40.

1st Session, 4th Parliament, 43 Vic., 1880.

BILL.

An Act to incorporate the Sault Ste. Marie Railway Company.

(*Reprinted as Amended.*)

1st Reading, 20th January, 1880.

(*PRIVATE BILL.*)

Mr. LYON.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 41.] BILL. [1880.

An Act to legalize By-law No. 310 of the City of Brantford.

Preamble.

WHEREAS, the corporation of the city of Brantford, after submission to the ratepayers, passed a by-law to grant by way of bonus the sum of five thousand dollars, to one Clayton Slater, to establish a cotton factory adjacent to, though outside of, the limits of the said city, which said by-law is numbered three hundred and ten, and also by-law number three hundred and twelve, to amend certain informalities in said by-law three hundred and ten, and have by their petition represented that it will be advantageous to said city that the said by-laws should be legalized and declared valid; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law 310 and agreement with Clayton Slater confirmed.

1. The said by-law number three hundred and ten of the municipal council of the city of Brantford, as amended by by-law number three hundred and twelve of said corporation, and the agreement entered into between said corporation and Clayton Slater for the erection of said cotton factory, dated the twenty-fifth day of November, in the year of our Lord one thousand eight hundred and seventy-nine, are hereby confirmed and declared legal and valid for all purposes, and the debentures to be issued under said by-law shall be valid and binding upon the said corporation and the ratepayers thereof.

No. 41.

1st Session, 4th Parliament, 43 Vic., 1880.

BILL.

An Act to legalize By-law No. 310 of the City of Brantford.

First Reading, , 1880.

(PRIVATE BILL.)

Mr. HARDY.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 42.] BILL. [1880.

An Act to authorize the Rector and Churchwardens of St. Paul's Church, in the City of London, to lease, mortgage or sell certain lands heretofore known as "Saint Paul's Cemetery," and for other purposes.

Preamble.

WHEREAS the Rector and Churchwardens of Saint Paul's Church in the city of London have by their petition set forth that the municipal council of the corporation of the village of London East have by by-law prohibited the interment of the dead within the said village from and after the first day of June, one thousand eight hundred and eighty, whereby the property known as "Saint Paul's Cemetery" situate within said village of London East, and being part of the north half of lot number eleven in concession C of the township of London, bounded on the north by Dundas street, on the west by Rectory street, on the south by Campbell street, and on the east by Queen's Park, and containing twenty-six acres or thereabouts, will from and after that date be closed for burial purposes; and that the said rector and churchwardens have recently purchased certain lands near the said city of London being parts of lots numbers thirty-five and thirty-six in the broken front concession of the township of Westminster containing fifty-seven and a half acres or thereabouts, as a site for a cemetery called and known as "Woodland Cemetery," in lieu of the cemetery so to be closed as aforesaid, and have incurred great expense in fencing, erecting necessary buildings, and laying out a portion thereof, and will incur further expense in laying out and beautifying the same, and that it has become expedient forthwith to dispose of the unoccupied portions of Saint Paul's Cemetery, and to dispose of the residue in portions or lots, when and as the same from time to time become unoccupied, and that power be obtained to lease, mortgage or sell the same, to which the consent of the vestry of Saint Paul's Church and of the Bishop of the Diocese of Huron and of the executive committee of the Synod of the said Diocese has been obtained, in accordance with the provisions of the Act respecting the Property of Religious Institutions, and the amendments thereto; and that Saint Paul's Cemetery was purchased in two parcels from Lawrence Lawrason, Esquire, on behalf and for the use and benefit of the congregation of Saint Paul's Church for cemetery purposes in connection with the said church and for no other purpose, and that through mistake the conveyance of one parcel was made to the Rector of Saint Paul's Church and his successors, and of the other parcel to the Bishop of the Diocese of Huron and his successors, instead of to the Rector and churchwardens of the said church and their successors, and that it is desirable to correct such mistake; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Title to St. Paul's Cemetery vested in Rector and Churchwardens of St. Paul's Church.

1. The title to the property known as "Saint Paul's Cemetery" situate in the village of London East, is hereby vested in the rector and churchwardens of Saint Paul's Church in the city of London and their successors for all the estate, right, title, possession, property and demand whatsoever of the rector of Saint Paul's Church in the city of London and the Bishop of the Diocese of Huron and their respective successors therein.

Remains of dead may be removed from the "free ground" forthwith.

2. The said rector and churchwardens shall have full power and authority forthwith to remove of their own accord and at their own expense all the remains of the dead now interred in that portion of Saint Paul's Cemetery situate on the south side of a line formed by the continuation of the northern limit of York street, known as the "free ground," from the said place of interment to Woodland Cemetery aforesaid, and the remains of the dead so removed shall be decently interred there at the expense of the said rector and churchwardens.

Remains of dead may be removed from part of cemetery after notice.

3. The said rector and churchwardens shall also have full power and authority, after giving notice as hereinafter required, to remove of their own accord and at their own expense and without any further notice to the friends or relatives of the dead, all the remains of the dead now interred in that portion of Saint Paul's Cemetery lying north of a line forty feet north of and parallel to a line formed by the continuation of the northern limit of King street, from the said place of interment to Woodland Cemetery aforesaid, and the remains of the dead so removed shall be reinterred at the expense of the rector and churchwardens in burial places or plots corresponding in size as nearly as may be with those from which such remains shall have been removed.

Notice of removal.

4. The said rector and churchwardens before removing the remains of the dead, in the last preceding section authorized, shall during the period of one month publish a notice once a week in the *Ontario Gazette*, and in one newspaper published in the city of London, which said notice shall set forth the powers in the last preceding section granted, and that parties owning burial lots in Saint Paul's Cemetery from which the remains of the dead are sought to be removed, will upon removing the said remains to Woodland Cemetery aforesaid, receive conveyances of burying plots in the last named cemetery, corresponding in size, as nearly as may be, with those lots from which the remains of the dead shall have been so removed; and the said rector and churchwardens shall be required to procure and furnish such conveyances, and to pay all reasonable expenses incurred or sustained in or by reason of such removal and reinterment of said remains in Woodland Cemetery aforesaid.

Power to lease, mortgage or sell lands.

5. It shall be lawful for the said rector and churchwardens and they are hereby authorized by deed to lease, mortgage, or sell and convey in fee simple or for any lesser estate, all those portions of Saint Paul's Cemetery now unoccupied, and which

from time to time may become unoccupied, and they are hereby authorized to sell the same either by public auction or private contract, and either for cash or on credit, and in such parcels, for such prices, and upon such terms and conditions as may be deemed expedient, and the said rector and churchwardens are empowered to so lease, mortgage, or sell and convey as aforesaid the said lands freed and discharged from all trusts under which they are now held, and of and from all right, title, interest, claim and demand of any person or persons who may have purchased lots for burial purposes in Saint Paul's Cemetery aforesaid, or of their representatives, and the lots to be conveyed to such persons in Woodland Cemetery aforesaid shall be accepted by the said persons in lieu of the lots purchased by them in Saint Paul's Cemetery, and in lieu of all right, title, interest, claim or demand they may have in respect thereof.

Power to accept mortgages.

6. Should the said rector and churchwardens sell the said lands or any parts thereof, and grant time for the payment of the purchase money or any portion thereof, they are hereby authorized and empowered to take and accept as security for the payment thereof, mortgages from the respective purchasers on the land sold to them respectively, containing the ordinary and usual covenants and power of sale, and to enforce all such covenants and exercise such powers in the ordinary and usual manner.

Care to be taken that all remains are removed before sale of land.

7. It shall be the duty of the said rector and churchwardens to use due care and diligence that all the remains of the dead have been removed from such portions of Saint Paul's Cemetery as they may lease, mortgage or sell as aforesaid, but the title of any lessee, mortgagee or purchaser shall not be affected or prejudiced by reason only of the non-removal of any remains of the dead from the portion or portions so leased, mortgaged or sold.

Part of cemetery from which remains not removed to be kept in proper order.

8. The said rector and churchwardens shall keep the central part of Saint Paul's Cemetery, in which there are interments, and from which the remains of the dead are not sought to be removed under sections two and three of this Act, properly fenced and in decent and becoming order as a cemetery, until the remains of the dead shall have been removed therefrom, and shall allow free access thereto at reasonable times to those having relatives or friends buried there.

Reference to Act in conveyances.

9. All deeds and conveyances made under the Act may refer to this Act in manner or to the effect following:—

This indenture made the day of in the year of our Lord under the authority of an Act of the Legislative Assembly of the Province of Ontario, passed in the forty-third year of Her Majesty's reign, chapter intituled "An Act to authorize the Rector and Churchwardens of Saint Paul's Church in the city of London to lease, mortgage or sell certain lands heretofore known as 'Saint Paul's Cemetery' and for other purposes."

No. 42.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to authorize the Rector and Churchwardens of Saint Paul's Church, in the City of London, to lease, mortgage or sell certain lands heretofore known as "Saint Paul's Cemetery," and for other purposes.

1st Reading, 1880.

(PRIVATE BILL.)

Mr. MEREDITH.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 42.] BILL. [1880.

An Act to authorize the Rector and Churchwardens of St. Paul's Church, in the City of London, to lease, mortgage or sell certain lands heretofore known as "Saint Paul's Cemetery," and for other purposes.

Preamble.

WHEREAS the Rector and Churchwardens of Saint Paul's Church in the city of London have by their petition set forth that the municipal council of the corporation of the village of London East have by by-law prohibited the interment of the dead within the said village from and after the first day of June, one thousand eight hundred and eighty, whereby the property known as "Saint Paul's Cemetery" situate within said village of London East, and being part of the north half of lot number eleven in concession C of the township of London, bounded on the north by Dundas street, on the west by Rectory street, on the south by Campbell street, and on the east by Queen's Park, and containing twenty-six acres or thereabouts, will from and after that date be closed for burial purposes; and that the said rector and churchwardens have recently purchased certain lands near the said city of London being parts of lots numbers thirty-five and thirty-six in the broken front concession of the township of Westminster containing fifty-seven and a half acres or thereabouts, as a site for a cemetery called and known as "Woodland Cemetery," in lieu of the cemetery so to be closed as aforesaid, and have incurred great expense in fencing, erecting necessary buildings, and laying out a portion thereof, and will incur further expense in laying out and beautifying the same, and that it has become expedient forthwith to dispose of the unoccupied portions of Saint Paul's Cemetery, and to dispose of the residue in portions or lots, when and as the same from time to time become unoccupied, and that power be obtained to lease, mortgage or sell the same, to which the consent of the vestry of Saint Paul's Church and of the Bishop of the Diocese of Huron and of the executive committee of the Synod of the said Diocese has been obtained, in accordance with the provisions of the Act respecting the Property of Religious Institutions, and the amendments thereto; and that Saint Paul's Cemetery was purchased in two parcels from Lawrence Lawrason, Esquire, on behalf and for the use and benefit of the congregation of Saint Paul's Church for cemetery purposes in connection with the said church and for no other purpose, and that through mistake the conveyance of one parcel was made to the Rector of Saint Paul's Church and his successors, and of the other parcel to the Bishop of the Diocese of Huron and his successors, instead of to the Rector and churchwardens of the said church and their successors, and that it is desirable to correct such mistake; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Title to St. Paul's Cemetery vested in Rector and Churchwardens of St. Paul's Church.

1. The *land and* property known as "Saint Paul's Cemetery" situate in the village of London East, is hereby vested in the rector and churchwardens of Saint Paul's Church in the city of London and their successors for all the estate, right, title, possession, property and demand whatsoever of the rector of Saint Paul's Church in the city of London and the Bishop of the Diocese of Huron and their respective successors therein.

Remains of dead may be removed from the "free ground" forthwith.

2. The said rector and churchwardens shall have full power and authority, *after giving notice as hereinafter required,* to remove of their own accord and at their own expense all the remains of the dead now interred in that portion of Saint Paul's Cemetery situate on the south side of a line *one hundred and forty-eight feet north of and parallel to the northerly* limit of York street, known as the "free ground," from the said place of interment to Woodland Cemetery aforesaid, and the remains of the dead so removed shall be decently interred there at the expense of the said rector and churchwardens.

Remains of dead may be removed from part of cemetery after notice.

3. The said rector and churchwardens shall also have full power and authority, after giving notice as hereinafter required, to remove of their own accord and at their own expense and without any further notice to the friends or relatives of the dead, all the remains of the dead now interred in that portion of Saint Paul's Cemetery lying north of a line *fifty-five* feet north of and parallel to a line formed by the continuation of the northern limit of King street, from the said place of interment to Woodland Cemetery aforesaid, and the remains of the dead so removed shall be re-interred at the expense of the rector and churchwardens in burial places or plots corresponding in size as nearly as may be with those from which such remains shall have been removed.

Notice of removal.

4. The said rector and churchwardens before removing the remains of the dead, in the last *two* preceding *sections* authorized, shall during the period of one month publish a notice once a week in the *Ontario Gazette,* and in one newspaper published in the city of London, which said notice shall set forth the powers in the last *two* preceding *sections* granted, and that *persons* owning burial lots in Saint Paul's Cemetery from which the remains of the dead are sought to be removed, will upon removing the said remains to Woodland Cemetery aforesaid, receive conveyances of burying plots in the last named cemetery, corresponding in size, as nearly as may be, with those lots from which the remains of the dead shall have been so removed; and the said rector and churchwardens shall be required to procure and furnish such conveyances, and to pay all reasonable expenses incurred or sustained in or by reason of such removal and re-interment of said remains in Woodland Cemetery aforesaid.

Power to lease, mortgage or sell lands.

5. It shall be lawful for the said rector and churchwardens and they are hereby authorized by deed to lease, mortgage, or sell and convey in fee simple or for any lesser estate, all those

portions of Saint Paul's Cemetery now unoccupied *by burial of the remains of the dead*, and which from time to time may become unoccupied, and they are hereby authorized to sell the same either by public auction or private contract, and either for cash or on credit, and in such parcels, for such prices, and upon such terms and conditions as may be deemed expedient, and the said rector and churchwardens are empowered to so lease, mortgage, or sell and convey as aforesaid the said lands freed and discharged from all trusts under which they are now held, and of and from all right, title, interest, claim and demand of any person or persons who may have purchased lots for burial purposes in Saint Paul's Cemetery aforesaid, or of their representatives, and the lots to be conveyed to such persons in Woodland Cemetery aforesaid shall be accepted by the said persons in lieu of the lots purchased by them in Saint Paul's Cemetery, and in lieu of all right, title, interest, claim or demand they may have in respect thereof.

Power to accept mortgages.

6. Should the said rector and churchwardens sell *under the provisions of this Act*, the said lands or any parts thereof, and grant time for the payment of the purchase money or any portion thereof, they are hereby authorized and empowered to take and accept as security for the payment thereof, mortgages from the respective purchasers on the land sold to them respectively, containing the ordinary and usual covenants and power of sale, and to enforce all such covenants and exercise such powers in the ordinary and usual manner.

Care to be taken that all remains are removed before sale of land.

7. It shall be the duty of the said rector and churchwardens to use due care and diligence that all the remains of the dead have been removed from such portions of Saint Paul's Cemetery as they may lease, mortgage or sell as aforesaid, but the title of any lessee, mortgagee or purchaser shall not be affected or prejudiced by reason only of the non-removal of any remains of the dead from the portion or portions so leased, mortgaged or sold if it shall be made to appear to the county judge of the county of Middlesex for the time being and he shall so certify under his hand that all the remains of the dead, so far as the same could be discovered, have been removed from the said portion or portions so leased, mortgaged or sold; and such certificate shall be registered in the registry office for the said county on the production thereof to the registrar and the payment to him of one dollar as a fee for such registration.

Part of cemetery from which remains not removed to be kept in proper order.

8. The said rector and churchwardens shall keep the central part of Saint Paul's Cemetery, in which there are interments, and from which the remains of the dead are not sought to be removed under sections two and three of this Act, properly fenced and in decent and becoming order as a cemetery, until the remains of the dead shall have been removed therefrom, and shall allow free access thereto at reasonable times to those having relatives or friends buried there.

Reference to Act in conveyances.

9. All deeds and conveyances made under *this* Act may refer *thereto* in manner or to the effect following:—

This indenture made the day of in

the year of our Lord under the authority of an Act of the Legislative Assembly of the Province of Ontario, passed in the forty-third year of Her Majesty's reign, chapter intituled "An Act to authorize the Rector and Churchwardens of Saint Paul's Church in the city of London to lease, mortgage or sell certain lands heretofore known as 'Saint Paul's Cemetery' and for other purposes."

No. 42.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to authorize the Rector and Churchwardens of Saint Paul's Church, in the City of London, to lease, mortgage or sell certain lands heretofore known as "Saint Paul's Cemetery," and for other purposes.

(*Reprinted as amended.*)

1st Reading, 21st February, 1880.

(*PRIVATE BILL.*)

Mr. MEREDITH.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 43] **BILL.** [1880.

An Act to amend and more accurately define the boundaries of the Town of Woodstock.

Preamble.

WHEREAS the municipal council of the corporation of the town of Woodstock have, by their petition, represented that by virtue of an Order in Council of the late Province of Canada, a proclamation bearing date the day of one thousand eight hundred and fifty, was issued, wherein it was declared that the town of Woodstock should consist of all that part of the said Province situate in the county of Oxford, and lying within the following limits, that is to say: Commencing on the northerly limit of Dundas street at a point where a post has been planted at the south-west angle of lot number eighteen, in the first concession of the township of Blandford; thence, in a northerly direction along the westerly boundary of the said lot to the allowance for road between the first and second concessions of the said township of Blandford; thence, continuing the same course, to the northerly limit of the said road allowance; thence westerly, along the said northern limit to the River Thames; thence, in continuation of the last-mentioned course, across the said river to the water's edge on the westerly bank thereof; thence, along the water's edge of the River Thames, on the westerly bank thereof, to a point opposite the southerly bank of Cedar Creek; thence, across the said River Thames, to the water's edge on the southerly bank of Cedar Creek; thence, along the water's edge of Cedar Creek, on the southerly side thereof, to the eastern limit of the allowance for road between lot number twenty-one in the first concession of the township of East Oxford and the Gore between East and West Oxford; thence southerly, along the said eastern limit to the southern limit of the allowance for road between the first and second concessions of the said township of East Oxford; thence easterly, along the said southern limit, to a point opposite to the centre of lot number eighteen in the first concession of the said township; thence, on a line equidistant from the eastern and western side lines of said lot number eighteen, on a course about north fifteen degrees forty minutes west, to Dundas street; thence, continuing the same course, to the northern limit of Dundas street; and thence westerly, along the northern limit of Dundas street, to the place of beginning;

And whereas the petitioners have prayed that the said limits of the town of Woodstock may be altered and amended in the manner hereinafter set forth, whereby certain inconveniences attending the arrangement of the present limits would be removed and remedied; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Boundaries of town described.

1. Notwithstanding anything contained in the proclamation in the preamble to this Act mentioned, the following description of the limits and boundaries of the said town of Woodstock shall, from and after the passing of this Act, be the limits and boundaries of the said town of Woodstock, that is to say: Commencing at a point where a post has been planted at the south-west angle of lot number eighteen in the first concession of the township of Blandford; thence, in a northerly direction, along the western boundary of the said lot to the southern boundary of the allowance for road between the first and second concessions of the said township of Blandford, otherwise now the allowance for road between the said town of Woodstock and the said township of Blandford; thence westerly, along the said southerly limit to the River Thames, on the easterly bank thereof; thence, along the water's edge of the said easterly bank, with the stream, to a point where the said water's edge of the River Thames would intersect the water's edge of Cedar Creek on the northerly bank thereof; thence, along the water's edge of said creek, on the northerly bank thereof, up the stream to the eastern limit of the allowance for road between lot number twenty-one in the first concession of the township of East Oxford and the Gore between East and West Oxford, now the allowance for road between the said town of Woodstock and the said Gore; thence southerly, along the said eastern limit to the northern limit of the allowance for road between the first and second concessions of the said township of East Oxford, now the allowance for road between the said town of Woodstock and the said township of East Oxford; thence easterly along the said northern limit of the said allowance for road to a point opposite to the centre of lot number eighteen in the first concession of the said township; thence, on a line equidistant from the eastern and western side-lines of the said lot number eighteen, on a course about north fifteen degrees forty minutes west, to Dundas street; thence, continuing the same course, to the northern limit of Dundas street; thence westerly, along the northern limit of Dundas street, to the place of beginning.

No. 43.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend and more accurately define the boundaries of the Town of Woodstock.

First Reading, , 1880.

(PRIVATE BILL.)

Mr.

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET.

No. 44.] **BILL.** [1880.

An Act to Revive and amend the Act incorporating the Lambton Central Railway Company.

WHEREAS the Lambton Central Railway Company have represented that for the reasons stated in their petition they had not commenced the construction of the said railway, as required by the Act passed in the thirty-ninth year of Her Majesty's reign, and chaptered seventy-five, but that they were now prepared to proceed therewith; and have prayed that an Act may be passed reviving the Act incorporating the said company, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Charter not forfeited by non-compliance with 39 Vic., c. 75, s. 46.

1. Notwithstanding anything in said Act contained, the non-compliance by the said company with the conditions of section forty-six of said Act shall not be considered as having caused any forfeiture of the charter of said company; and the said Act shall for all purposes be taken and held to have been from the passing thereof, and still to be, in full force and effect.

Commencement and completion of railway.

2. The railway shall be commenced within two years and completed within five years after the passing of this Act, or else the charter shall be forfeited, so far as relates to so much of the railway as may not then be completed.

Sec. 1 of 39 Vic., c. 75, amended.

3. The name Jacob L. Englehart shall be substituted in place of that of Joseph McDougall, now deceased, in the first paragraph of said bill.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to Revive and amend the Act incorporating the Lambton Central Railway.

1st Reading, 1880.

(PRIVATE BILL.)

Mr. DEROCHE.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 45.] BILL. [1880.

An Act to confirm a By-law of the County of Prince Edward, granting aid to the Prince Edward County Railway Company.

Preamble.

WHEREAS, the county of Prince Edward, by a by-law passed on the thirteenth day of November, one thousand eight hundred and seventy-two, granted a bonus of eighty-seven thousand five hundred dollars to the Prince Edward County Railway Company; and whereas the said bonus was afterwards reduced to sixty thousand dollars, and debentures have been issued for the same, which are now held by the Bank of Montreal; and whereas the county of Prince Edward desired to replace the said debentures by the issue of other debentures; and whereas, on the fifth day of November, one thousand eight hundred and seventy-nine, a by-law, in the words following, so far as the same is material, that is to say: "By-law to provide for the payment of the sixty thousand dollars, bonus granted to the Prince Edward County Railway Company, by annual payments instead of on the sinking fund principle; whereas, by a by-law passed on the thirteenth day of November, in the year of our Lord one thousand eight hundred and seventy-two, a bonus of eighty-seven thousand five hundred dollars was granted to the Prince Edward County Railway Company, on certain conditions and stipulations therein contained; and whereas said conditions and stipulations not having been complied with, by the completion of the road in the time specified therein, a resolution was passed by this council, on the twenty-first day of May, in the year of our Lord one thousand eight hundred and seventy-seven, consenting to an extension of time for said completion, reducing the bonus, lessening the weight of rail to be used, and changing the dates of payment; and on the twenty-fifth day of June, in the year of our Lord one thousand eight hundred and seventy-eight, a by-law was passed by this council, under the authority of forty-one Victoria, chapter fifty-one, ratifying the said resolution on certain conditions therein contained; and whereas the mode of paying said bonus, as provided in said original by-law, by creating an equal yearly sinking fund is thought to be objectionable, it is considered desirable to amend and alter the same by submitting another by-law making it lawful to pay said debt in yearly instalments, and to redeem said original debentures by another issue; and whereas it will require the sum of five thousand two hundred and sixty-four dollars to be raised annually by special rate, for paying the said debt of sixty thousand dollars and interest; and whereas the amount of the whole ratable property of the said municipality, irrespective of any future increase of the same, according to the last revised assessment roll of the said municipality, being for the

year one thousand eight hundred and seventy-eight, is seven million two hundred and eleven thousand and eighty-two dollars; and whereas the said municipality is not at the passing of this by-law indebted to any person or persons whomsoever, or to any body or bodies corporate whatsoever, other then the aforesaid railway company; and whereas for paying the said sum of sixty thousand dollars and interest, it will require an annual special rate of three quarters of a mill on the dollar, or such other rate as may be sufficient (in addition to all other rates), to be levied in each year for the term of twenty years.

Be it therefore enacted by the municipal corporation of the county of Prince Edward:

1st. That it shall and may be lawful for the municipal corporation of Prince Edward to provide for the redemption of the debentures already issued in payment of the bonus of sixty thousand dollars to the Prince Edward County Railway Company, by levying an annual special rate of three-quarters of a mill on the dollar;

2nd. That it shall be lawful, for the purposes aforesaid, for the warden of the said municipality, on the order of the council first had, to cause any number of debentures to be made for such sums of money as may be required for the said purpose, none of the same being for a less amount than one hundred dollars each, and not exceeding in the whole the said sum of sixty thousand dollars; which said debentures shall be sealed with the seal of the said corporation of the county of Prince Edward, and signed by the warden and countersigned by the treasurer thereof;

3rd. That the said debentures shall be made payable annually for twenty years from the first day of January, in the year of our Lord one thousand eight hundred and eighty, at the office of the Bank of Montreal, in the Town of Picton, and they shall have attached to them coupons for the payment of interest at the rate and in the manner hereinafter mentioned;

4th. That the said debentures shall bear interest at and after the rate of six per centum per annum, said interest to be payable half-yearly, on the first day of January and July in each year;

5th. That this by-law shall come into force and take effect on, from and after the fifteenth day of December, in the year of our Lord one thousand eight hundred and seventy-nine" was submitted to a vote of the electors of the county of Prince Edward and carried by a large majority, for the purpose of redeeming the said other debentures; and whereas the said by-law has since been read a third time and passed by the council of the said county; and whereas it will be more convenient for the corporation of the county of Prince Edward that the times of payment of the said debentures shall be changed; and whereas the said corporation have prayed that an Act may be passed declaring that the said by-law was and is valid, and providing for terms of payment of the said sum or sums in the said by-law mentioned, and at times different from the times and sums mentioned in the said by-law, and providing also for the surrender to the said corporation of the debentures already held by the Bank of Montreal, and the issue to them of the new debentures, to be issued hereunder; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the assent of the Legislative Assembly, hereby enacts as follows: -

By-laws valid.

1. The said by-laws were and are valid.

Rate for payment of debentures to be levied yearly.

2. There shall be levied from all the ratable property in the County of Prince Edward in each year, beginning in the year one thousand eight hundred and eighty, a sum sufficient to pay the amount of the debentures in the fourth section of this Act mentioned, falling due on the first day of January following, together with the interest falling due in that year, as in the seventh section of this Act mentioned, until the whole sum of sixty thousand dollars is paid, together with a sufficient sum to pay the interest as hereinafter provided.

Municipal officers to levy rate.

3. It shall be the duty of the council of the said county and the various officers of the said county, and the duty of the various municipal officers of the municipalities within the said county to take whatever proceedings may be necessary to levy the said sum.

Amount of debentures.

4. The debentures to be issued for the said sum of money shall be in the following sums payable at the times following:

(*a*) One debenture of one thousand dollars, on the first of January in each of the four successive years, beginning on the first day of January, one thousand eight hundred and eighty-one;

(*b*) One debenture of two thousand dollars, on the first of January in each of the four successive years, beginning in one thousand eight hundred and eighty-five;

(*c*) One debenture of three thousand dollars, on the first of January in each of the four successive years, beginning in one thousand eight hundred and eighty-nine;

(*d*) One debenture of four thousand dollars, on the first of January in each of the four successive years, beginning in one thousand eight hundred and ninety-three;

(*e*) One debenture of five thousand dollars, on the first of January in each year of the four successive years, beginning in one thousand eight hundred and ninety-seven.

Debentures to be signed and sealed.

5. The said debentures shall be signed by the warden and the treasurer of the said county, and sealed with the corporate seal of the said corporation.

New debentures to be exchanged for old.

6. The said debentures shall, upon surrender of the debentures issued under the said by-law, be delivered to the Bank of Montreal, or the assignee or appointee, and shall be in full satisfaction of the sum granted by the said by-law.

Coupons.

7. There shall be attached to the said debentures coupons for the interest upon the whole sum remaining due in each year at the rate of six per centum, which shall be payable at the place in the said by-law mentioned, half-yearly, on the first of January and July in each year, the first of such payments to be made on the first of July, one thousand eight hundred and eighty, and the said coupons shall be signed by the warden and treasurer of the said county.

Municipal Act to apply.

8. All the provisions of the Municipal Act not inconsistent with this Act shall apply to the debentures and coupons to be issued in pursuance hereof.

No. 45.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to confirm a By-law of the County of Prince Edward, granting aid to the Prince Edward County Railway Company.

First Reading, 1880.

(*PRIVATE BILL.*)

Mr. STRIKER.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 46.] BILL. [1880.

An Act to amend the Act incorporating the Windsor and Essex Centre Railway Company.

Preamble.

WHEREAS the Windsor and Essex Centre Railway Company has petitioned the Legislature for certain amendments to its Act of incorporation, by extending the main line of the said railway to the village of Leamington, in the township of Mersea, and for certain other amendments; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Sec. 3 of 42 Vic., c. 71 amended.

1. The third section of the Act passed in the forty-second year of the reign of Her Majesty, Queen Victoria, chaptered seventy-one, incorporating the Windsor and Essex Centre Railway Company is hereby amended, by adding, after the words "Township of Gosfield," at the end of the said section, the words following, namely, "and further to the village of Leamington, in the township of Mersea."

By-law of the Town of Windsor confirmed.

2. The by-law of the municipality of the town of Windsor, granting a bonus to the said Windsor and Essex Centre Railway Company, and the debentures issued, or to be issued, under the authority of the same, is hereby declared to be legal and valid.

No. 46.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the Act incorporating the Windsor and Essex Centre Railway Company.

1st Reading, 1880.

(PRIVATE BILL.)

Mr. WHITE.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 46. BILL. [1880.

An Act to amend the Act incorporating the Windsor and Essex Centre Railway Company.

Preamble. WHEREAS the Windsor and Essex Centre Railway Company has petitioned the Legislature for certain amendments to its Act of incorporation, by extending the main line of the said railway to the village of Leamington, in the township of Mersea, and for certain other amendments; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Sec. 3 of 42 Vic., c. 71 amended. **1.** The third section of the Act passed in the forty-second year of the reign of Her Majesty, Queen Victoria, chaptered seventy-one, incorporating the Windsor and Essex Centre Railway Company is hereby amended, ☞ by striking out the words "a distance of ten miles or thereabouts, to the village of Kingsville, on Lake Erie, in the township of Gosfield," and substituting therefor the following: "to a point in the township of Gosfield, at or near the village of Kingsville, and thence on to the village of Leamington; or if deemed more expedient, the said line may be extended direct from Essex Centre to the village of Leamington, on Lake Erie." ☜

No. 46.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the Act incorporating the Windsor and Essex Centre Railway Company.

(Reprinted as Amended.)

1st Reading, 28th January, 1880.

(PRIVATE BILL.)

MR. WHITE.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 47. BILL. [1880.

An Act to revive and amend the Act incorporating the St. Mary's and Credit Valley Railway Company.

Preamble

WHEREAS by an Act passed in the thirty-sixth year of Her Majesty's reign, chaptered seventy-four, incorporating the St. Mary's and Credit Valley Railway Company, it was provided that unless the construction of the said railway were commenced within two years and completed within five years after the passing of the said Act, the charter should be forfeited so far as any portion of the line thereby authorized should not have been completed; and whereas, owing to unforeseen difficulties, the construction of the said railway had not been commenced within two years after the passing of the said Act; and whereas a careful and thorough survey of that part of the said line intended to be constructed under the said Act extending from the town of Woodstock in the county of Oxford, to the town of St. Mary's in the county of Perth, has been made and bonuses have already been voted by the municipalities of St. Mary's, West Zorra and Embro, and the said municipalities are desirous of having the said by-laws confirmed, and have petitioned therefor and for the passing of this Act; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

36 Vic., c. 74, revived.

1. The Act passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria and chaptered seventy-four, intituled "An Act to incorporate the St. Mary's and Credit Valley Railway Company," is hereby revived and declared to be in full force and effect.

Name of company.

2. The name of the said railway company shall be the St. Mary's, Credit Valley and Huron Railway Company.

Ss. 1, 6, 31 and 42 of 36 Vic., c. 74, repealed.

3. The first, sixth, thirty-first and forty-second sections of the said Act are hereby repealed, and in lieu of the said first and sixth sections the following section shall be substituted.

Section substituted for ss. 1 and 6 of 36 Vic., c. 74.

4. John E. Harding, Hugh Adams, M.D., Alexander McCorquordale, Duncan Miller, John Bartlett, James Kennedy, James Whitson, Robert Reid, Robert Eaton, Henry E. Wilson, John Bindon Abbott, C. S. Rumsey, Henry Barker, James Sutherland, John Young, John Pitt, David Shaw, Capt. Gordon, D. Matheson, James Munroe, A. M. Driver, W. F. Sanderson, A. Wilson, J. McCurdy, John Dalziel, ——— Craig, together with such persons and corporations as shall in pursuance of this Act

No. 47.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to revive and amend the Act incorporating the St. Mary's and Credit Valley Railway Company.

1st Reading, , 1880.

(PRIVATE BILL.)

Mr. SPRINGER.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 47.] BILL. [1880.

An Act to revive and amend the Act incorporating the St. Mary's and Credit Valley Railway Company.

Preamble

WHEREAS a petition has been presented praying for an Act to revive and amend the Act incorporating the St Mary's and Credit Valley Railway Company, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

36 Vic., c. 74, revived.

1. The Act passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-four, intituled "An Act to incorporate the St. Mary's and Credit Valley Railway Company," is hereby revived and declared to be in full force and effect: ☞Provided always that all powers to group municipalities or a municipality, or municipalities with part of a municipality, or parts of municipalities, in voting upon by-laws granting municipal aid contained in the said Act are hereby declared to be inoperative.

Proviso.

Deposit to meet expenses of by-laws.

2. Before any by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Name.

3. The name of the said railway company shall be the St. Mary's, Credit Valley and Huron Railway Company.

36 Vic., c. 74, Ss. 1, 6, and 31 repealed.

4. The first, sixth and thirty-first sections of the said Act are hereby repealed, and in lieu of the said first and sixth sections the following section shall be substituted.

Provisional directors.

5. John E. Harding, Henry Adams, M.D., Alexander McCorquodale, Duncan Miller, John Bartlett, James Kennedy, James Whitson, Robert Reid, Robert Eaton, Henry E. Wilson, John Bindon Abbott, C. S. Rumsey, Henry Parker, James Sutherland, John Young, John Pitt, David Shaw, Alexander Gordon, D. Matheson, James Munroe, A. M. Driver, W. F. Sanderson, A. Wilson, J. McCurdy, John Dalziel, James Craig, Hugh Whealey, George Cormack, George Innes, David R. Ross, Andrew Patullo, John Cameron, and James A. Paterson, together with such persons and corporations as shall in pursuance of this Act☜ become shareholders of the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of the St. Mary's, Credit Valley and Huron Railway Company, and the said above mentioned persons shall be the provisional directors of the said company.

36 Vic., c. 74, s. 3 amended.

6. The third section of the said Act is amended by striking out the words "the village of Petrolia," and substituting the words "Port Franks or some other point on Lake Huron."

Section 8 amended.

7. Section eight of the said Act is hereby amended by striking out that portion of the said section which provides that the capital stock of the said company shall be divided into five hundred shares of one hundred dollars each, and inserting in lieu thereof one thousand shares of fifty dollars each.

Section 11 amended.

8. Section eleven of said Act is hereby amended by striking out the words "thirty thousand" and inserting in lieu thereof the words "twenty thousand."

Commencement and completion of railway.

9. The said railway between the town of Woodstock and the town of St. Mary's shall be commenced within two years and completed within five years after the passing of this Act, and that portion lying west of the said town of St. Mary's shall be commenced within five years and completed within ten years after the passing of this Act.

Ss. 31, 32, 33, 34 and 35 repealed.

10. The thirty-first, thirty-second, thirty-third, thirty-fourth and thirty-fifth sections of the said Act are hereby repealed and the following sections substituted in lieu thereof.

Trustees of debentures.

11. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after passing of the by-law authorizing the same be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario: Provided, that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council with consent of the company; and in case any trustee dies, or resigns his trust, or goes to live out of Ontario or otherwise becomes incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Proviso.

Trusts of debentures.

12. The said trustees shall receive the said debentures or bonds in trust; firstly under the directions of the Company to convert the the same into money; secondly, to deposit the amount realized from the sale of such debentures in some one or more of the chartered banks of the Dominion in the name of the "St Mary's, Credit Valley and Huron Railway Company Municipal Trust Account," and to pay the same unto the company from time to time on the certificate of the chief engineer of the said company in the form set out in Schedule A hereto, or to the like effect, setting out how the money is to be applied, and that the sum so certified for is in pursuance

of the terms and conditions (if such there be) of the by-law and such certificate is to be attached to the cheques drawn by the said trustees for such payments, and such engineer shall not wrongfully grant any such certificate under a penalty of five hundred dollars, recoverable in any court of competent jurisdiction by any person who may sue therefor.

13. The trustees shall be entitled to their reasonable fees and charges from such trust fund, and the Act of any two of such trustees shall be as valid and binding as if the three had agreed. Fees to trustees.

SCHEDULE A.

(*Section* 12).

Chief Engineer's Certificate.

The St. Mary's, Credit Valley and Huron Railway Company's office, Engineer's Department, No. A.D. 18 .

Certificate to be attached to cheques drawn on the St. Mary's, Credit Valley and Huron Railway Company Municipal Trust Account, given under section chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's Reign.

I, A. B., Chief Engineer for the St Mary's, Credit Valley and Huron Railway Company, do certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law number of the township of (*or* under the agreement dated the day of between the corporation of and the said company), to enable the said company to receive from the said trust the sum of (*here set out the terms and conditions, if any, which have been fulfilled.*)

No. 47.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to revive and amend the Act incorporating the St. Mary's and Credit Valley Railway Company.

(Reprinted as Amended.)

1st Reading, 26th January, 1880.

(PRIVATE BILL.)

Mr. SPRINGER.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 48.] **BILL.** [1880.

An Act to incorporate the Victoria Northern Extension Railway Company.

WHEREAS John Henry Delamere, Charles Dobyn Curry, William Gainor, William Hurtle, James Findlay, Andrew Brown, Joseph Robinson Young, John Rutherford Calvert, Edmund Baldwin Munn, Frederick James Shore, William John Lindsay, John Pearce, John Dancey, and James Buck, have petitioned the Legislature of the Province of Ontario for an Act of incorporation to construct a railway from some point on the Victoria Railway to the Village of Minden, and thence in a northerly direction to Trading Lake, and to connect with any other railway now built or which may hereafter be built tending northwards, and which will open up the public Free Grant lands of this Province, and for the development of the resources of the said lands, and for the public benefit and accommodation of the inhabitants thereof; and whereas it is expedient to grant the prayer of the said petition: Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The said parties above mentioned, together with such persons and corporations as shall become shareholders in the said company hereby incorporated, shall become and are by this Act constituted a body corporate and politic by and under the name of "The Victoria Northern Extension Railway Company." Incorporation. Corporate name.

2. The several clauses of the Railway Act of Ontario, and the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors," "calls," "shares and their transfer," "shareholders," "municipalities taking stock," "by-laws," "notices," &c., "working of the railway," "actions for indemity, and fines, and penalties, and their prosecution," and "general provisions," shall be incorporated with and be deemed to be part of this Act, and shall apply to the said Company and to the railway to be constructed by them, except so far as they may be inconsistent with the enactments thereof; and the expression "this Act," when used herein shall be understood to include the clauses of the said Railway Act so incorporated with this Act as aforesaid. Certain clauses of the Railway Act to apply.

3. The said company hereby incorporated, and their agents or servants, shall have full power and authority under this Act, to Location of line.

lay out, construct and finish a single or double iron railway from some point on the Victoria Railway to the Village of Minden, and thence in a northerly direction to some point on the waters of Trading Lake, and with power to build the same in sections, and to connect with any other railway now built, or which may hereafter be built tending northwards, with full power and authority to pass over any part of the country between the points aforesaid, and to construct the said railway through the Crown lands lying between the said points or on the line of said railway.

Power to build wharves, storehouses, etc.

4. The said company shall also have power to construct on any river, stream, or lake near to said railway such wharves, piers, warehouses, or other works as may be required for the use of the said company.

Power to build and navigate vessels.

5. The said company shall have power to construct, purchase, charter, and navigate, boats or vessels of any description on the waters adjacent to or connecting with the said line of railway.

Capital stock.

6. The capital stock of the company hereby incorporated shall be fifty thousand dollars, with power to increase the same in the manner provided by the Railway Act, to be divided into one thousand shares of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in the said company, and the money so raised shall be applied in the first place to the payment of all expenses for procuring the passing of this Act, and for making the surveys, plans, and estimates connected with the works hereby authorized, and the remainder of such money shall be applied to the making, equipment, completion and working of the said railway, and the purposes of this Act.

Ten per centum to be paid on stock.

7. No subscription for stock in the capital of the company shall be binding on the company, unless ten per centum of the sum subscribed has been actually paid thereon into some chartered bank, to be designated by the directors, to the credit of the company within one month after the same has been so subscribed.

Provisional directors.

8. The persons named in the first section of this Act shall be and are hereby constituted a board of provisional directors of the said company, of whom five shall be a quorum, and shall have power to fill vacancies occurring, and to add not more than six to their number, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of provisional directors.

9. The said board of provisional directors shall have full power to open up stock books, and procure subscriptions for the undertaking; to make calls upon the subscribers; to cause surveys and plans to be executed; to enter into agreements for right of way, terminal grounds, and gravel pits; and to receive for the company any grant, loan, bonus, or gift made to it or in aid of the undertaking; and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the Railway, with all such other powers as under the Railway Act of Ontario are vested in ordinary directors; and to call a general meeting of the shareholders for the election of

directors as hereinafter provided; and such provisional directors may appoint a committee from their number to open such stock books, giving at least three weeks notice in the *Ontario Gazette* and in one paper published in the county of Victoria, of the time and place of meeting to open such books, and receive such subscriptions; and the said committee or a majority of them may in their discretion exclude any person from subscribing who in their judgment would hinder or delay the company in proceeding with their railway.

Application of money paid on stock.

10. The sums paid upon subscriptions for stock shall not be withdrawn from the bank, except for the purposes of this Act; nor shall any debentures deposited be otherwise applied than to the purposes of the railway, as defined in the by-laws or agreement between the municipality or municipalities granting the same and the railway company in relation thereto.

Calls.

11. The directors for the time being may from time to time make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days notice shall be given of each call as provided in section nine.

Meeting for election of directors.

12. When, and as soon as shares to the amount of dollars in the capital stock of the company shall have been subscribed, and ten per centum shall have been paid into a chartered bank having an office in the Province of Ontario, or when and so soon as such subscription, together with sums granted by municipalities, either by way of bonus or in the subscription to the capital stock, shall amount to such sum of and the debentures granted in payment of such bonus or subscription shall have been deposited in one of the chartered banks in the Province, the provisional directors, or a majority of them, present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least three weeks' notice in a paper published in the county of Victoria and in each of the counties affected, and in the *Ontario Gazette*, of the time, place, and object of such meeting, and at such general meeting the shareholders present, either in person or by proxy, and who shall, at the opening of such meeting, have paid ten per centum on the stock subscribed by them, shall elect nine persons to be directors of the said company, in manner and qualified as hereinafter directed, which said directors, together with *ex officio* directors under the Railway Act or this Act, shall constitute a Board of Directors, and shall hold office until the first Monday in May in the year following their election.

Annual meetings.

13. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the village of Minden, and on such days and on such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in a newspaper published in the county of Victoria, and in some one newspaper in each county that may have granted bonuses or subscribed for stock, if a newspaper is published in such county.

Special meetings.

14. Special general meetings of the shareholders of the said company may be held at such places in the village of Minden, and at such times, and in such manner, and for such purposes, as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section.

Qualification of directors.

15. In the election of directors under this Act, no person shall be elected unless he shall be the holder and owner of at least ten shares of the stock of the said company, upon which all calls have been paid up.

Aliens.

16. Aliens, as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company.

Quorum.

17. At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, five directors shall form a quorum for the transaction of business; and the said board of directors may employ one of their number as paid director.

Scale of votes.

18. Every shareholder holding one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever unless all calls upon the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting.

Aid to company.

19. The said company may receive from any Government, or from any persons or body corporate, municipal, or politic, who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway, vessels, buildings, or constructions, by way of bonus, gift, or loan, in money or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Aid from municipalities.

20. It shall be lawful for any municipal corporation, or any part of a municipality, which may be interested in securing the construction of the said railway or vessels, or through any part of which or near which the railway or vessels shall pass or be situate, to aid and assist the said company by loaning or guaranteeing, or giving money by way of bonus to said company, or taking stock therein, or issuing municipal bonds to or in aid of the same, and otherwise in such manner and to such extent as such municipalities, or any of them, shall deem expedient; and it shall be lawful for the councils of such municipalities, or any of them, with the approval of the ratepayers, as hereinafter mentioned, to convert into cash and invest any surplus funds of such municipalities, or any of them, in the capital stock of the said company; and the aid and assistance to be given to said company by any portion of a county municipality, whether the metes and bounds of such portion as set forth in the by-law for granting such aid be the metes and bounds of townships, or be so defined as to comprise a township or townships, and portions of townships, or only portions

of townships, and also in the case of a portion of a county or township municipality granting such aid, then the debentures to be issued shall be the debentures of the county or township municipality, as the case may be, but in such case the rate to be levied for the payment of such debentures and interest shall be assessed and levied on the portion of the township or county municipality affected by such by-law; and the proper municipal council may, of its own motion and without any previous petition therefor being presented, introduce, pass, and submit the requisite by-law to authorize the granting of such aid, or to raise a certain sum to be invested in stock in the capital of said company, for the approval of the voters qualified under the Municipal Act in the municipality, or portion of a municipality, to be affected thereby: Provided always, that no such aid, loan, bonus or guarantee shall be given until the by-laws granting the same be adopted by the ratepayers, as required by the provisions of the Municipal Act for the creation of debts, and all such by-laws so passed shall be valid, notwithstanding that the annual rate of assessment exceeds the aggregate rate of two cents on the dollar on the actual value of the whole ratable property within the municipality, or portion of a municipality, creating such debt, exclusive of school rates: Provided always, that in no case shall such rate exceed, for all purposes, three cents on the dollar on the actual value of such ratable property, exclusive of school rates.

Proviso.

Proviso.

21. In case aid towards the construction of said railway is desired from any municipality other than a county municipality, if thirty persons at least, who are qualified voters under the Municipal Act, do petition the council of the municipality within which their property is situate, in the manner hereinafter mentioned; and in case aid is desired from any portion of a township municipality, if at least twenty persons, who are qualified voters under the Municipal Act, resident in the said portion, do, in the manner hereinafter mentioned, petition the council of such municipality, or if the majority of the reeves and deputy-reeves of said minor municipality, resident in the section of the county from which aid is desired, do petition the council of said county, in the manner hereinafter mentioned, the warden, reeve, or other presiding officer of said municipalities respectively, or any of them, shall, on receipt of such petition, call a meeting of the council of the municipality, and the council shall thereupon introduce and pass a by-law, as hereinafter set forth, and shall submit the same to the vote of the qualified voters under the Municipal Act of the municipality or portion of the municipality defined in said petition, by the warden, reeve, or other presiding officer as aforesaid, in the manner required by the provisions of the Municipal Act and in the same manner and to the same effect as if the said municipal council had introduced the said by-law of its own motion; such petition shall in effect set forth that it is the desire of the petitioners to aid the said railway, the manner in which the said aid is to be rendered, the amount or sum to be raised or granted for that purpose, and the desire of the petitioners to be assessed therefor; and in the case of a petition from a portion of a municipality, such petition shall also contain a statement of the metes and bounds of said portion; such by-law shall in each instance, provide for raising the

Aid from municipalities other than County municipalities.

amount petitioned for in the municipality defined in such petition, by an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon ; such interest to be payable yearly or half-yearly, or by equal annual instalments of principal and interest, which debentures the respective municipal councils, warden, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively : Provided, that in case the sum raised under the authority of such by-law is invested in the capital stock of said company, the council of the municipality holding such stock may, at any time, sell and dispose of the same, or any part thereof, and shall in such case apply the moneys received therefor in payment of the said debentures and interest.

Proviso.

Council to pass by-law.

22. In case the by-law submitted to any municipality be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting the council of the municipality shall read the said by-law a third time and pass the same.

Warden or other officer to issue debentures.

23. Within one month after the passing of such by-law the said council, and the warden, reeve, or other presiding officer thereof shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof.

Exemption from taxes.

24. It shall be lawful for the corporation of any municipality through any part of which the said railway passes or is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality or any part thereof from municipal assessment or taxation, and to fix the assessable value of such property for a term of years, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years, not exceeding twenty years, as such municipal corporation may deem expedient, and any such by-law shall not be repealed unless in conformity with a condition contained therein.

Directors appointed by municipalities.

25. Whenever any municipality shall take stock, grant a bonus, or otherwise aid the said company to an amount not less than twenty thousand dollars, the council of such municipality shall be entitled to name a director of the said company as the representative of such municipality ; and in case any two or more municipalities take stock in or grant aid to said company, amounting in the aggregate to twenty thousand dollars, at least, such municipalities may jointly appoint one such director, and such director shall be, in addition to all shareholders' directors, a director in said company, and shall not require to be a shareholder thereof, and shall continue in office as a director of said company until his successor be appointed by the council of the municipality which he represents, and in any such case the municipality shall not vote on any stock held by it for the election of shareholders' directors.

Council may extend time.

26. It shall and may be lawful for the council of any municipality that may grant a bonus to the company, and they

shall have full power, to extend the time for completion of the works, on the completion of which the said company would be entitled to such bonus.

Council may contribute towards preliminary expenses

27. It shall be lawful for the council of any township or county municipality interested in the said railway, and without complying with the requirements of any Act providing for the creation of debts by municipal corporations on behalf of such municipalities or any of them, to bear all or part of the costs, charges, and expenses of and incidental to the submission of any by-law to the said qualified voters for granting a bonus to the said company, or to give the said company a bonus on account of such costs, charges and expenses.

Commencement and completion.

28. The railway shall be commenced within one year, and completed to the village of Minden within two years, and finally completed to the waters of Trading Lake within ten years after the passing of this Act.

Agreements with other companies.

29. The company incorporated by this Act may enter into any arrangement with any other railway company or companies for the working of the said railway, on such terms and conditions as the directors of the several companies may agree on, or for leasing or hiring from such other company or companies any portion of their railway or the use thereof, or for the leasing or hiring any locomotives or other moveable property from such companies or persons, and generally to make any agreement or agreements with any other company touching the use by one or the other or by both companies, of the railway or rolling stock, or either or both, or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, and any such agreement shall be valid and binding according to the terms and tenor thereof, provided that the assent of at least two-thirds of the shareholders shall be first obtained at a general special meeting to be called for the purpose, according to the by-laws of the company and the provisions of this Act; and the company or companies leasing or entering into agreement for using the said line may, and are hereby authorized to work the said railway in the same manner and in all respects as if incorporated with its own line.

Issue of bonds.

30. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president and vice-president of the said company, and countersigned by the secretary, and under seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the company real and personal, then existing, and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata*, with all the other holders thereof upon the undertaking and the property of the company as aforesaid: Provided however, that the whole amount of such issue of bonds shall not exceed in all the sum of ten thousand dollars

Proviso.

Proviso. per mile; and provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, and privileges, and qualifications for directors and voting as are attached to shareholders; provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Proviso.

Power to become parties to promissory notes, etc.

31. The said company shall have power and authority to become parties to promissory notes and bills of exchange, and any such promissory note or bill of exchange made or endorsed by the president or vice-president of the company, and counter-signed by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or the secretary, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Proviso.

Power to mortgage bonds.

32. The said company hereby incorporated may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can under the powers of this Act, issue for the construction of the railway, or otherwise.

Exchange of debentures.

33. The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company, and give in exchange therefor to the said township, a like amount of the debentures of the said county, but the township municipality shall in such case keep the county municipality fully indemnified against any rate or liability in respect of said debentures.

Trustees of debentures.

34. Whenever any municipality or portion of a county municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor, shall within after passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses; all of the trustees to be residents of the Province of Ontario.

Proviso. Provided, that if the said council shall refuse or neglect to name such trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new

trustee appointed in his place at any time, by the Lieutenant-Governor in Council, with the consent of the said company, and in case any trustee dies, or resigns his trust, or goes to live out of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council with the consent of the said company.

Trusts of debentures.

35. The said trustees shall receive the said debentures or bonds in trust: firstly, under the direction of the company, to convert the same into money; secondly, to deposit the amount realized from the sale in some of the chartered banks, having an office in this province, in the name of "The Victoria Northern Extension Railway Company Municipal Trust Account," and to pay the same out to the said company from time to time, on the certificate of the chief engineer of the said railway, in the form set out in Schedule A hereto, or to the like effect, setting out to what purpose the money to be paid out is to be applied, and such certificate is to be attached to the cheques to be drawn by the said trustees; and such engineer shall not wrongfully grant any such certificate, under penalty of one hundred dollars, recoverable in any county court by any person who may sue therefor.

Fees of trustees; act of of two trustees to be binding.

36. The trustees shall be entitled to their reasonable fees and charges from such trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Municipality may grant lands.

37. Any municipality through which the said railway may pass is empowered to grant, by way of gift to the said company, any lands belonging to such municipality, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government, or any person, or body politic or corporate, and shall have power to sell, or otherwise dispose of the same for the benefit of the said company.

The company may delegate powers to one or more directors.

38. Should the shareholders of the company resolve that the interests of the company would be best promoted by giving the company power to enable one or more of the directors to act for the company in several particulars, it shall be lawful for the said company, with such consent, to give such power.

Directors may make certain payments in paid up stock or in bonds.

39. The directors to be elected by the shareholders may pay, or agree to pay, in paid up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, or plant, or rolling stock; and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who, in the opinion of a majority of the said directors, may be of material aid in the furtherance of the undertaking, or purchase of right of way, material, plant or rolling stock, whether such promoters, or other persons, be provisional directors or not.

Powers of the company to acquire stone, gravel, etc.

40. Where stone, gravel or any other material is or are required for the construction or maintenance of said railway,

or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required; and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway; and all the provisions of the Railway Act, as varied and modified by the special Acts relating to the said company, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, and to the obtaining materials aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material at any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings and tracks to lands to take gravel, etc.

41. When said gravel, or stone, or other materials shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the Railway Act and of the special Acts relating to the said company's Act, except such as relate to fyling plans and publication of notice, shall apply, and may be used and exercised, to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects, after the railway is constructed, for the purpose of repairing and maintaining the said railway.

Gauge.

42. The gauge of the said railway shall be four feet eight and one-half inches.

Conveyance of lands.

43. Conveyances of lands to the said company for the purposes of this Act, may be in the form set out in the Schedule B, attached to this Act, or to the like effect, and the same shall be sufficient conveyance to the said company, their successors and assigns, of the estate, or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Transfer of shares.

44. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates, issued in respect of the shares intended to be transferred, are

surrendered to the company, or the surrender thereof dispensed with by the company.

Telegraph lines.

45. For the purpose of constructing, working and protecting the telegraph lines constructed by the company, under this Act, on their line of railway, the powers conferred upon telegraph companies by the Act respecting electric telegraph companies, are hereby conferred upon the company, and the other provisions of the said Act, for the working and protection of telegraph lines, shall apply to any such telegraph lines constructed by the company.

By-law of the provisional county of Haliburton legalized.

46. The by law at present being submitted to the vote of the ratepayers of the townships of Anson, Hindon, and Sherborne, and all those portions of the townships of Minden and Stanhope, lying west of side road between lots twenty and twenty-one, and all of the township of Lutterworth, except that portion lying east of the side road between lots fifteen and sixteen, and south of the road allowance between the tenth and eleventh concessions, being in the provisional county of Haliburton, granting a bonus for the purpose of aiding in the construction of this railway to the amount of twenty thousand dollars, shall be, and it is hereby declared to be legal and binding upon the townships and portions of townships enumerated in this section, as soon as it has received a majority of the votes of the legally qualified voters who may poll their votes on the submission of the said by-law on the twenty-fourth day of January, one thousand eight hundred and eighty; and it shall be lawful for the warden and other officers of the said provisional county of Haliburton, on the passing of the by-law aforesaid, to issue debentures of the said provisional county of Haliburton in aid of the undertaking for the said sum of twenty thousand dollars and interest, extending over a period of twenty years, in accordance with sections twenty and twenty-one of this Act, and the said debentures to be issued as aforesaid shall be legal and valid securities, notwithstanding any technical errors that may have occurred in the notices or submission of the said by-law.

SCHEDULE A.

(Section 35.)

Chief Engineer's Certificate.

Victoria Northern Extension Railway Company's Office
Engineer's Department, A. D. 18

No.

Certificate to be attached to cheques drawn on the "Victoria Northern Extension Railway Municipal Trust Account."

I, Chief Engineer of the Victoria Northern Extension Railway Company, do hereby certify that the sum of dollars is required to be expended *(here state the work or other purpose for which the money is required.)*

SCHEDULE B.

(Section 43.)

Know all men by these presents, that I (*or* we) [*insert the name or the names of the vendors*] in consideration of dollars paid to me (*or* us) by the Victoria Northern Extension Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (*or* we) [*insert the names of any other party or parties*] in consideration of dollars paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or* those certain parcels, *as the case may be*) of land situate (*describe the land*), the same having been selected and laid out by the said company for the purposes of this railway, to hold with the appurtenances unto the said Victoria Northern Extension Railway Company, their successors and assigns (*here insert any other clauses, covenants or conditions required*) and I (*or* we), the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of one thousand eight hundred and

Signed, sealed and delivered in presence of } (L.S.)

No. 48.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to incorporate the Victoria Northern Extension Railway Company.

1st Reading, 1880.

(*PRIVATE BILL.*)

Mr. Peck.

TORONTO:
Printed by C. Blackett Robinson.

No. 48.] BILL. [1880.

An Act to incorporate the Victoria Northern Extension Railway Company.

Preamble.

WHEREAS John Henry Delamere, Charles Dobyn Curry, William Gainor, William Hartle, James Findlay, Andrew Brown, Joseph Robinson Young, John Rutherford Calvert, Edmund Baldwin Munn, Frederick James Shore, William John Lindsay, John Pearce, John Dancey, and James Buck, have petitioned the Legislature of the Province of Ontario for an Act of incorporation to construct a railway from some point on the Victoria Railway to the Village of Minden, and thence in a northerly direction to Trading Lake, and to connect with any other railway now built or which may hereafter be built tending northwards; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said parties above mentioned, together with such persons and corporations as shall become shareholders in the said company hereby incorporated, shall become and are by this Act constituted a body corporate and politic by and under the name of "The Victoria Northern Extension Railway Company."

Corporate name.

Location of line.

2. The said company hereby incorporated, and their agents or servants, shall have full power and authority under this Act, to lay out, construct and finish a single or double iron railway from some point on the Victoria Railway to the Village of Minden, and thence in a northerly direction to some point on the waters of Trading Lake, and with power to build the same in sections, and to connect with any other railway now built, or which may hereafter be built tending northwards, with full power and authority to pass over any part of the country between the points aforesaid.

Power to build wharves, storehouses, etc.

3. The said company shall also have power to construct on any river, stream, or lake near to said railway such wharves, piers, warehouses, or other works as may be required for the use of the said company.

Power to build and navigate vessels.

4. The said company shall have power to construct, purchase, charter, and navigate, boats or vessels of any description on the waters adjacent to or connecting with the said line of railway.

Capital stock.

5. The capital stock of the company hereby incorporated shall be fifty thousand dollars, with power to increase the same

in the manner provided by the Railway Act, to be divided into one thousand shares of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in the said company, and the money so raised shall be applied in the first place to the payment of all expenses for procuring the passing of this Act, and for making the surveys, plans, and estimates connected with the works hereby authorized, and the remainder of such money shall be applied to the making, equipment, completion and working of the said railway, and the purposes of this Act.

Ten per centum to be paid on stock.

6. No subscription for stock in the capital of the company shall be binding on the company, unless ten per centum of the sum subscribed has been actually paid thereon into some chartered bank, to be designated by the directors, to the credit of the company within one month after the same has been so subscribed.

Provisional directors.

☞ **7.** The said provisional directors, until others shall be appointed as hereinafter provided, shall constitute the board of directors of the said company, with power to fill vacancies occurring therein, to associate with themselves thereon not more than three other persons, who, upon being so appointed, shall become and be provisional directors of the company equally with themselves; to open stock-books and to procure subscriptions for the undertaking; to make calls upon subscribers; to cause surveys and plans to be executed; and to cause a general meeting of the shareholders for the election of directors, as hereinafter provided, and with all such other powers as under the "Railway Act" are vested in such boards; ☜ and such provisional directors may appoint a committee from their number to open such stock books, giving at least three weeks' notice in the *Ontario Gazette* and in one paper published in the county of Victoria, of the time and place of meeting to open such books, and receive such subscriptions; and the said committee or a majority of them may in their discretion exclude any person from subscribing who in their judgment would hinder or delay the company in proceeding with their railway.

Powers of provisional directors.

Application of money paid on stock.

8. The sums paid upon subscriptions for stock shall not be withdrawn from the bank, except for the purposes of this Act.

Calls.

9. The directors for the time being may from time to time make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days notice shall be given of each call as provided in section *seven*.

Meeting for election of directors.

10. When, and as soon as shares to the amount of *twenty thousand* dollars in the capital stock of the company shall have been subscribed, and ten per centum shall have been paid into *one of the chartered banks of the Dominion*, the provisional directors, or a majority of them, present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least three weeks' notice in a paper published in the county of Victoria and in the *Ontario Gazette*, of the time, place, and object of such meeting, and at such general meeting the shareholders present, either in person or by proxy, and who

shall, *before or* at the opening of such meeting, have paid ten per centum on the stock subscribed by them, shall elect nine persons to be directors of the said company, in manner and qualified as hereinafter *mentioned, who* together with *ex officio* directors under the Railway Act or this Act, shall constitute a Board of Directors, and shall hold office until the first Monday in May in the year following their election.

Annual meetings.

11. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place on such days and *at* such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week, *for four weeks*, in a newspaper published in the county of Victoria.

Special meetings.

12. Special general meetings of the shareholders of the said company may be held at such places and at such times, and in such manner, and for such purposes, as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section.

Qualification of directors.

13. In the election of directors under this Act, no person shall be elected *a director* unless he shall be the holder and owner of at least ten shares of the stock of the said company, upon which all calls have been paid up.

Aliens.

14. Aliens, as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company.

Quorum.

15. At all meetings of the board of directors, *five directors shall form* a quorum for the transaction of business; and the said board of directors may employ one of their number as paid director.

Scale of votes.

16. Every shareholder holding one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever unless all calls upon the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting.

Aid to company.

17. The said company may receive from any Government, or from any person or body corporate, municipal, or politic, who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway, vessels, buildings, or constructions, by way of bonus, gift, or loan, in money or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Aid from municipalities.

☞**18.** Any municipality, or any portion of a township municipality, which may be interested in the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass, or be

situate, may aid the said company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained, provided always that no such aid shall be given except after the passing of a by-law for the purpose and the adoption of such by-law by the qualified ratepayers of the municipality, or portion of municipality (as the case may be), as provided in the Municipal Act for the creation of debts.

Proviso.

Provisions as to bonus by-laws.

19. Such by-laws shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;

(2) In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under the Municipal Act;

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters as aforesaid;

(4) In the case of the section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

Provisions for referring to arbitration disputes as to bonus by-by-laws.

20. In case of aid from a county municipality fifty resident freeholders of the county may petition the county council against submitting the said by-law upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom; and the decision of any two of them shall be final; and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

21. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law. Deposit for expenses.

22. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality. "Minor Municipality," meaning of.

23. All municipalities or portions thereof interested in the construction of the road of the said company, may grant aid by way of bonus to the said company, towards the construction or maintenance of such road, notwithstanding that such aid may increase the municipal taxation of such municipalities or portions thereof beyond what is allowed by law: Provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates than three cents in the dollar upon the value of the ratable property therein. Rate not exceeding three cents in the dollar valid. Proviso.

24. Such by-law shall in each instance provide:— By-law what to contain.

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law;

(2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be), an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, warden, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

25. In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same. If by-law carried, council to pass same;

26. Within one month after the passing of such a by-law, the said council and the warden, reeve or other officers thereof shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof. and issue debentures.

27. It shall and may be lawful for the council of any municipality that may grant, *or that may have granted*, a bonus to the company, and they shall have full power, to extend the time for completion of the works, on the completion of which the said company would be entitled to such bonus. Council may extend time.

Commencement and completion.

28. The railway shall be commenced within one year, and completed to *Mountain Lake* within two years, and finally completed to the waters of Trading Lake within ten years after the passing of this Act.

Agreements with other companies.

29. The company incorporated by this Act may enter into any arrangement with any other railway company or companies *duly authorized in that behalf* for the *leasing or* working of the said railway, on such terms and conditions as the directors of the several companies may agree on, or for leasing or hiring from such other company or companies any portion of their railway or the use thereof, or for the leasing or hiring any locomotives or other moveable property from such companies or persons, and generally to make any agreement or agreements with any other company *duly authorized as aforesaid* touching the use by one or the other or by both companies, of the railway or rolling stock, or either or both, or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, and any such agreement shall be valid and binding according to the terms and tenor thereof, provided that the assent of at least two-thirds of the shareholders shall be first obtained at a general special meeting to be called for the purpose, according to the by-laws of the company and the provisions of this Act; and the company or companies leasing or entering into agreement for using the said line may, and are hereby authorized to work the said railway in the same manner and in all respects as if incorporated with its own line; *but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.*

Proviso.

Issue of bonds.

30. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president and vice-president of the said company, and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the *real* property of the company, *including its rolling stock and equipments* then existing, and at any time thereafter acquired, and *such* holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata*, with all the other holders thereof upon the undertaking and the property of the company as aforesaid: Provided however, that the whole amount of such issue of bonds shall not exceed in all the sum of *eight* thousand dollars per mile; and provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, and privileges, and qualifications for directors and voting as are attached to shareholders; provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares;

Proviso.

Proviso.

Proviso.

and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Power to become parties to promissory notes, etc.

31. The said company shall have power and authority to become parties to promissory notes and bills of exchange, and any such promissory note or bill of exchange made or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, be individually, responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Proviso.

Power to mortgage bonds.

32. The said company hereby incorporated may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can under the powers of this Act, issue for the construction of the railway, or otherwise.

Exchange of debentures.

33. The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company, and give in exchange therefor to the said township, a like amount of the debentures of the said county, *on a resolution to that effect being passed by the county council*, but the township municipality shall in such case keep the county municipality fully indemnified against any rate or liability in respect of said debentures.

Trustees for debentures.

☞**34.** Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within four weeks after passing of the by-law authorizing the same, be delivered to three trustees to be named—one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipality which have granted bonuses; all of the trustees to be residents of the Province of Ontario; Provided, that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council with the consent of the company; and in case any trustee die or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council. ☜

Proviso.

Trusts of debentures.

☞**35**. The said trustees shall receive the said debentures in trust; firstly, under the direction of the company, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some one or more of the chartered banks of the Dominion in the name of the "Victoria Northern Extension Railway Company Municipal Trust Account," and to pay the same unto the company from time to time on the certificate of the chief engineer of the said company in the form set out in Schedule "A" hereto, or to the like effect setting out how the money is to be applied and that the sum so certified for is in pursuance of the terms and conditions (if such there be) of the by-law, and such certificate is to be attached to the cheques drawn by the said trustees; and such engineer shall not wrongfully grant any such certificate under penalty of five hundred dollars recoverable in any county court by any person who may sue therefor.☜

Fees of trustees; act of of two trustees to be binding.

36. The trustees shall be entitled to their reasonable fees and charges from such trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Municipality may grant lands.

37. Any municipality through which the said railway may pass is empowered to grant, by way of gift to the said company, any lands belonging to such municipality, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government, or any person, or body politic or corporate, and shall have power to sell, or otherwise dispose of the same for the benefit of the said company.

Exemption from or agreement as to taxes.

☞**38**. It shall further be lawful for the council of any municipality, in which any part of the railway of the company is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years; and any such by-law shall not be repealed unless in conformity with a condition contained therein.

Extension of time for commencement.

39. The councils of all corporations that, or any portion of which, have heretofore granted, or may hereafter grant aid by way of bonus to the said company, may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time: Provided, that no such extension shall be for a longer period than one year.☜

Proviso.

The company may delegate powers to one or more directors.

40. Should the shareholders of the company resolve that the interests of the company would be best promoted by giving the company power to enable one or more of the directors to act for the company in several particulars, it shall be lawful for the said company, with such consent, to give such power.

41. The directors to be elected by the shareholders may pay, or agree to pay, in paid up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, or plant, or rolling stock; and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who, in the opinion of a majority of the said directors, may be of material aid in the furtherance of the undertaking, or purchase of right of way, material, plant or rolling stock, whether such promoters, or other persons, be provisional directors or not.

Directors may make certain payments in paid up stock or in bonds.

42. Where stone, gravel or any other material is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required; and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway; and all the provisions of the Railway Act, as varied and modified by the special Acts relating to the said company, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, and to the obtaining materials aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material *for* any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Powers of the company to acquire stone, gravel, etc.

43. When said gravel, or stone, or other materials shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the Railway Act and of the special Acts relating to the said company's Act, except such as relate to fyling plans and publication of notice, shall apply, and may be used and exercised, to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects, after the railway is constructed, for the purpose of repairing and maintaining the said railway.

Sidings and tracks to lands to take gravel, etc.

44. The gauge of the said railway shall be four feet eight and one-half inches.

Gauge.

☞**45**. Conveyances of lands to the said company for the purposes of this Act may be made in the form set out in the Schedule (Schedule "B") hereunder written or to the like

Form of conveyance.

effect; and such conveyances shall be registered by duplicates thereof, in such manner and upon such proof of execution as is required under the Registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificate endorsed on the duplicate thereof.

Transfer of shares.

46. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates, issued in respect of the shares intended to be transferred, are surrendered to the company, or the surrender thereof dispensed with by the company.

Telegraph lines.

47. For the purpose of constructing, working and protecting the telegraph lines constructed by the company, under this Act, on their line of railway, the powers conferred upon telegraph companies by the Act respecting electric telegraph companies, are hereby conferred upon the company, and the other provisions of the said Act, for the working and protection of telegraph lines, shall apply to any such telegraph lines constructed by the company.

By-law of county of Haliburton confirmed.

48. The by-law of the corporation of the provisional county of Haliburton granting aid to the proposed Victoria Northern Extension Railway Company to the amount of twenty thousand dollars, approved of by the ratepayers on the seventeenth day of January one thousand eight hundred and eighty, and finally passed on the twenty-seventh day of January of the same year, is hereby declared legal, valid and binding, notwithstanding any defects of form or substance therein, or in relation to the passing thereof.

SCHEDULE "A."

(Section 35.)

Chief Engineer's Certificate.

The Victoria Northern Extension Railway Company's Office,
Engineer's Department, No. A.D. 188

Certificate to be attached to cheques drawn on the Victoria Northern Extension Railway Company Municipal Trust Account, given under section chapter of the Acts of the Legislature of Ontario passed in the year of Her Majesty's reign.

I, *A.B.*, Chief Engineer for the Victoria Northern Extension Railway Company, do certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of (*or* under the agreement dated the day of between the corporation of and the said company,) to entitle the said company to receive from the said trust the sum of
(*here set out the terms and conditions, if any, which have been fulfilled.*)

SCHEDULE B.

(Section 45.)

Know all men by these presents, that I (*or* we) [*insert the name or the names of the vendors*] in consideration of dollars paid to me (*or* us) by the Victoria Northern Extension Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (*or* we) [*insert the names of any other party or parties*] in consideration of dollars paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or* those certain parcels, *as the case may be*) of land (*describe the land*), the same having been selected and laid out by the said company for the purposes of the railway, to hold with the appurtenances unto the said Victoria Northern Extension Railway Company, their successors and assigns (*here insert any other clauses, covenants or conditions required*) and I (*or* we), the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of one thousand eight hundred and

Signed, sealed and delivered in presence of } (L.S.)

No. 48.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to incorporate the Victoria Northern Extension Railway Company.

(Reprinted as Amended.)

1st Reading, 23rd January, 1880.

(PRIVATE BILL.)

Mr. PECK.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 49.] BILL. [1880.

An Act to incorporate the Toronto and Nipissing Eastern Extension Railway Company.

Preamble.

WHEREAS Henry S. Howland, Charles J. Tusey, William Gooderham, the younger, and John Leys, all of the City of Toronto, have petitioned for an act of incorporation for a company to construct a railway to be called the Toronto and Nipissing Eastern Extension Railway, from some point on the line of The Toronto and Nipissing Railway, through the Counties of Victoria, Peterborough, and Hastings, thence Easterly to the River Ottawa, or to connect with existing lines, and with power to build the same in sections; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation

1. The said parties above named, together with such other persons and corporations as shall in pursuance of this act become shareholders in the said company hereby incorporated, shall become and are hereby declared to be a body corporate and politic by the name of the Toronto and Nipissing Eastern Extension Railway Company.

Certain clauses of R. S. O., c. 165, incorporated.

2. The several sections of the Railway Act of Ontario, and the clauses and sub-sections thereof, with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors," "calls," "shares and their transfer," "shareholders," "municipalities taking stock," "by-laws, notices, etc.," "working of the railway," "actions for indemnity and fines and penalties, and their prosecution," and "general provisions," shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except so far as they may be inconsistent with the enactments thereof; and the expression "this Act," when used herein, shall be understood to include the clauses and sub-sections of the said Railway Act so incorporated with this Act as aforesaid.

Location of line.

3. The company hereby incorporated and their agents or servants shall have full power and authority under this Act to lay out, construct and finish a Railway from some point on the line of The Toronto and Nipissing Railway Company through the Counties of Victoria, Peterborough, and Hastings, thence Easterly to the River Ottawa, or to connect with existing lines, and shall have power to build the same in sections, as shall be deemed advisable.

Capital.

4. The capital of the company hereby incorporated shall be one hundred thousand dollars, with power to increase the same in the manner provided by the Railway Act, to be divided into four thousand shares, of twenty-five dollars each; and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place to the payment of all expenses for procuring the passing of this Act, and for making the surveys, plans, and estimates connected with the works hereby authorized, and the remainder of such money shall be applied to the making, equipment, completion, and working of the said railway, and the purposes of this Act.

Provisional directors.

5. Henry S. Howland, Charles J. Tusey, William Gooderham the younger, and John Leys, shall be, and are hereby constituted, a board of provisional directors of the said company, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of provisional directors.

6. The said board of provisional directors shall have full power to open stock books, and procure subscriptions for the undertaking; to make calls upon the subscribers; to cause surveys and plans to be executed; to enter into agreements for right of way, station grounds, terminal grounds, and gravel pits; and to receive any grant, loan, bonus or gift made to or in aid of the undertaking; and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, with all such other powers as under the Railway Act are vested in ordinary directors; and to call a general meeting of the shareholders for the election of directors as hereinafter provided; and such provisional directors may appoint a committee from their number to open such stock books, giving at least three weeks' notice in the *Ontario Gazette*, and in some one paper published in each county through which the road is proposed to pass, of the time and place of meeting to open such books and receive such subscriptions; and the said committee, or a majority of them, may in their discretion exclude any person from subscribing, who in their judgment would hinder, or delay, or embarrass the company in proceeding with their railway.

First election of directors.

7. As soon as shares to the amount of fifty thousand dollars of the capital stock of the company shall have been subscribed, and ten per centum shall have been paid into a chartered bank having an office in the Province of Ontario, or so soon as such subscriptions, together with sums granted by municipalities, either by way of bonus or in the subscription to the capital stock, shall amount to such sum of fifty thousand dollars, and the debentures granted in payment of such bonus or subscription shall have been deposited in one of the chartered banks in the Province, the provisional directors or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least three weeks' notice in a paper published in each of the counties affected, and in the *Ontario Gazette*, of the time, place, and object of such meeting, and at such general meeting the shareholders present, either in person or by proxy, who shall at the opening of such meeting have paid ten per

centum on the stock subscribed by them, shall elect six persons to be directors of the said company in manner and qualified as hereinafter directed, which said directors, together with the *ex-officio* directors under the Railway Act, or this Act, shall constitute a board of directors, and shall hold office until the first Monday in May, in the year following their election.

Application of moneys deposited.

8. The sums so paid shall not be withdrawn from the bank except for the purposes of this Act; nor shall the debentures so deposited be otherwise applied than to the purposes of the railway as defined in the by-law or agreement between the municipality or municipalities granting the same and the railway company in relation thereto.

Calls.

9. The directors for the time being may from time to time make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section seven.

Annual meetings.

10. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place, and on such days, and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*. and once a week in some one newspaper in each of the counties which have granted bonuses or subscribed for stock.

Special meetings.

11. Special general meetings of the shareholders of the said company may be held at such places, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section.

Qualification of directors.

12. In the election of directors under this Act, no person shall be elected unless he shall be the holder and owner of at least twenty shares of the stock of the said company, upon which all calls have been paid up.

Aliens may be shareholders.

13. Aliens, as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the said company.

Quorum.

14. At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, five directors shall form a quorum for the transaction of business; and directors may at any meeting of the board vote by proxy, provided at least four directors are personally present at such meeting, and the said board of directors may employ one or more of their number as paid directors.

Aid to company.

15. The said company may receive from any government or from any persons or bodies corporate, municipal or politic who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway, by way of gift, bonus, or loan of money, or debentures, or

other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Aid from municipalities.

16. It shall be lawful for any municipality, or any portion of any township municipality which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situated, to aid and assist the said company by loaning or guaranteeing, or giving money by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company, and otherwise, in such manner and to such extent as such municipality shall think expedient: Provided always, that when said bonds or debentures are granted by a portion of a township municipality, the bonds or debentures so granted shall be the bonds or debentures of the township municipality, and that no such aid, loan, bonus, or guarantee shall be given, except after the passing of by-laws for the purpose and the adoption of such by-laws by the ratepayers, as provided in the Municipal Act for the creation of debts.

Proviso.

Petitions for aid by county municipality.

17. In the case of a county municipality the petition shall be that of a majority of the reeves and deputy reeves, or of twenty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the MunicipalAct.

Petitions for aid by other than county municipality.

18. In case fifty persons, at least, rated on the last revised assessment roll of any municipality other than a county municipality as freeholders who may be qualified voters under the Municipal Act, do petition the council of such municipality. and in such petition express the desire of the said petitioners to aid in the construction of the said railway by giving a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce a by-law and submit the same to the vote of the qualified voters ; and in case aid is desired from any portion of a township municipality, if at least fifty of the persons who are qualified voters as aforesaid, in any portion of the said township municipality, do petition the council of the said municipality to pass a by-law, in such petition defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law, and submit the same to the approval of the qualified voters of tne said portion of such township municipality ;

(1) For raising the amount so petitioned for by such freeholders in such portion of the municipality by the issue of debentures of the municipality payable in twenty years or by annual instalments of principal with interest, and for the delivery to the trustees of the debentures for the amount of said bonus at the time and on the terms specified in the said petition ;

(2) For assessing and levying upon all the ratable property lying within the section defined by said petition, an equal annual special rate, as near as may be, sufficient to include a sinking fund for the repayment of the debentures with interest thereon, or for the payment of the said yearly instalments and interest, said interest to be payable yearly or half-yearly.

Council to pass by-law.

19. In case such by-law be approved or carried by the majority of the votes given thereon, then within one month after the date of such voting, the said council shall read the said by-law a third time and pass the same.

When debentures to be issued.

20. Within one month after the passing of such by-law, the said council and the warden, mayor, reeve, or other head thereof, and the other officers thereof shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act.

Rate assessed on portion of municipality.

21. In case any bonus be so granted by a portion of a municipality the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of the municipality.

Municipal Act to apply.

22. The provisions of the Municipal Act, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of the municipality to the same extent as if the same had been passed by or for the whole municipality.

Rate not to exceed three cents on the dollar.

23. All by-laws to be submitted to such vote for granting bonuses to the said company not requiring the levy of a greater annual rate for all purposes, exclusive of school rates, than three cents on the dollar of the ratable property affected thereby, shall be valid.

Exemption from taxation.

24. It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as to such municipal corporation may seem expedient, not exceeding twenty-one years.

Exchange of debentures.

25. The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company, and give in exchange therefor to the said township a like amount of the debentures of the said county, on a resolution to that effect being passed by the county council, but the township municipality shall in such case keep the county municipality fully indemnified against any rate or liability in respect to said debentures.

Trustees of debentures.

26. Whenever any municipality or portion of a county municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six

months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses; all of the trustees to be residents of the Province of Ontario: Provided, that if the said council shall refuse or neglect to name such trustee, or if the Lieutenant-Governor in council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time, by the Lieutenant-Governor in Council, with the consent of the said company, and in case any trustee dies or resigns his trust, or goes to live out of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of the said company.

Proviso.

Trusts of debentures.

27. The said trustees shall receive the said debentures or bonds in trust: firstly, under the instructions of the directors of the company, to convert the same into money; secondly, to deposit the amount realized from the sale in some of the chartered banks having an office in this Province, in the name of "The Toronto and Nipissing Eastern Extension Railway Municipal Trust Account," and to pay the same out to the said company from time to time, on the certificate of the chief engineer of the said railway, in the form set out in schedule "A," hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is to be applied, and that the sum so certified for is in pursuance of the terms and conditions of the by-law, and such certificate is to be attached to the cheques to be drawn by the said trustees; and such engineer shall not wrongfully grant any such certificate under penalty of one hundred dollars, recoverable in any county court by any person who may sue therefor: Provided that after the first payment on account of the said the Toronto and Nipissing Eastern Extension Railway Municipal Trust Account, no other shall be made until at least ninety per centum of the next preceding payment shall have been declared by an auditor selected for the purpose by the municipalities contributing to the said trust, to have been shewn by pay-rolls and other vouchers to have been expended on work or materials, or both, in the construction or equipment of the railway.

Proviso.

Fees to trustees.

28. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Certain municipalities to name directors.

29. Any municipality which shall grant a bonus of not less than seventy-five thousand dollars in aid of the said company, may stipulate that it shall be entitled to name a director in the said company as the representative of such municipality; and such director shall be in addition to the directors elected by the shareholders, and shall not be required to be a shareholder in the company, and shall continue in office as a director in the said company until his successor shall be appointed by the municipality which he represents.

Municipalities empowered to grant lands.

30. Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company any lands belonging to such municipality, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Extension of time for completion of works.

31. It shall and may be lawful for the council of any municipality that may grant a bonus to the company, and they shall have full power to extend the time for the completion of the works, on the completion of which the said company would be entitled to such bonus.

Expense of submitting by-law.

32. It shall be lawful for the council of any township or county municipality interested in the said railway and its extension branches, or any of them, and without complying with the requirements of any Act providing for the creation of debts by municipal corporations on behalf of such municipalities, or any of them, to bear all or any part of the costs, charges, and expenses of, and incidental to, the submission of any by-law to the said qualified voters for granting a bonus to the said company, or to give the said company a bonus on account of such costs, charges and expenses; Provided always, that no one such bonus shall exceed five thousand dollars.

Issue of bonds.

33. The directors of the said company, after the sanction of the shareholders shall have been first obtained at a special general meeting to be called from time to time for such purpose, shall have power to issue bonds made and signed by the president and vice-president of the said company, and countersigned by the secretary and under the seal of the said company for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be, the first and preferential claims and charges upon the undertaking, and the real property of the company, including its rolling stock and equipments then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata*, with all the older holders thereof, upon the undertaking and property of the said company as aforesaid: Provided, however, that the whole amount of such issue of bonds shall not exceed two-thirds of the whole amount of the actual money expended on the railway and the equivalent in money of the par value of such second mortgage bonds as the company may have issued in payment for lands, labour, material, or supplies, the said second mortgage bonds to bear interest at the rate of six per centum per annum from and after the expiration of five years from their date, unless called in previously by the company and converted at par by a new issue of stock in addition to the issue at the time of the conversion outstanding; the amount of the stock so outstanding not to exceed, at its par value, the aggregate amount of stock actually paid up, and of the moneys expended, as shown by the auditor's certificates, from municipal bonuses on the works, plant, or other property of the company.

Proviso.

Powers as to promissory notes, etc.

34. The said company shall have power and authority to become parties to promissory notes and bills of exchange, and any such promissory note or bill of exchange made or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, or shall the president, or vice-president, or the secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Proviso.

Right to acquire lands and gravel pits.

35. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits for constructing, maintaining, and using said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and sell and convey the same or parts thereof from time to time as they may deem expedient.

Compensation for stone, gravel, etc.

36. When stone, gravel, or any other material is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway; and the notice of arbitration, the award and the tender of compensation shall have the same effect as in the case of arbitration for the roadway, and all the provisions of the Railway Act as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining material as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case abitration is resorted to, to state the interest required.

Sidings to gravel pits, etc.

37. When said gravel, stone, or other material shall be taken under the preceding section of this Act at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall

be found, whatever the distance may be; and all the provisions of the Railway Act and of the special Acts relating to the said company, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing or maintaining the said railway.

Commencement and completion.

38. The railway shall be commenced within three years, and finally completed within seven years after the passing of this Act.

Agreements with other companies.

39. The company incorporated by this Act may enter into any arrangement with any other railway company or companies for the working of the said railway on such terms and conditions as the directors of the several companies may agree on, or for leasing or hiring from such other company or companies any portion of their railway, or the use thereof, or for the leasing or hiring any locomotives or other moveable property from such companies or persons, and generally to make any agreement or agreements with any other company touching the use by one or the other, or by both companies, of the railways or rolling stock, or either, or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the terms and tenor thereof, provided that the assent of at least two-thirds of the shareholders shall be first obtained at a general special meeting to be called for the purpose, according to the by-laws of the company and the provisions of this Act; and the company or companies leasing or entering into agreement for using the said line may and are hereby authorized to work the said railway in the same manner and in all respects as if incorporated with their own line.

Proviso.

Power to mortgage bonds.

40. The said company hereby incorporated may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can, under the powers of this Act, issue for the construction of the railway or otherwise.

Appointment of agents.

41. The directors of the company may, subject to the rules and regulations from time to time of the board, appoint an agent in the city of London, England, and also an agent in the city of New York, in the State of New York, with power to pay dividends, to open and keep books of transfer for the shares of the company, and for the issue of scrip and stock certificates; and thereupon shares may be transferred from the Canada office to the London or New York offices, in the names of the transferees, in the same manner as shares may be transferred in the former office, and *vice versa;* and shares originally taken and subscribed for in Great Britain, and shares originally taken and subscribed for in the United States, may be respectively entered upon the books at the London, or at the New York office, and scrip certificates be issued for them, and the agent or agents, or other officer or officers, shall transmit an

accurate list of all such transfers and scrip certificates so issued' to the secretary or other officer of the company in this Province' who shall thereupon make the requisite entries respecting such transfer and scrip certificates in the register kept in this Province, and thereupon the same shall be binding on the company, as to all the rights and privileges of shareholders, as though the scrip certificates had been issued by the secretary of the company in this Province.

Transfer of shares.

42. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company or the surrender thereof dispensed with by the company.

Transfers made abroad.

43. Whenever any transfer shall be made in England, or the United States, of any share of stock of the company, the delivery of the transfer and stock or scrip certificates to the agent or agents of the company for the time being in London and New York aforesaid, shall be sufficient to constitute the transferee a shareholder or stockholder in the company in respect to the shares of stock so transferred; and such agent or agents shall transmit an accurate list of all such transfers to the secretary of the company in this Province, who shall thereupon make the requisite entries in the register; and the directors may from time to time make such regulations as they shall think fit for facilitating the transfer and registration of shares of stock, and the forms in respect thereof, as well in this Province as elsewhere, and as to the closing of the register of transfer for the purpose of dividends, as they may find expedient; and all such regulations not being inconsistent with the provisions of this Act and of the Railway Act, as altered or modified by this Act, shall be valid and binding.

Form of conveyance.

44. Conveyances of lands to the said company for the purpose of, and powers given by, this Act, made in the form set out in the schedule "C" hereunder written, or the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate and interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Power to build warehouses, etc.

45. The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to acquire and hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic, in connection with the railway.

46. Nothing in this Act shall prevent any municipality from subscribing for stock of the company, pursuant to the Railway Act or the Municipal Act. Municipalities may subscribe for stock.

47. For the purpose of constructing, working and protecting the telegraph lines constructed by the company under this Act on their line of railway, the powers conferred upon telegraph companies by the Act respecting electric telegraph companies, are hereby conferred upon the company, and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company. Telegraph lines.

48. The gauge of the said railway shall be four feet eight and one half inches. Gauge.

49. In case the conditions upon which any municipality grants aid to the said company be not fully complied with in the time specified, the said municipality, through its council, may grant further time to the company for the fulfilment of its obligations as by the said council may be thought advisable. Extension of time.

SCHEDULE A.

(Section 27.)

Chief Engineer's Certificate.

Toronto and Nipissing Eastern Extension Railway Company's Office, Engineer's Department, A.D. 18 .

No.

Certificate to be attached to cheques drawn on the Toronto and Nipissing Eastern Extension Railway Municipal Trust Account.

I, chief engineer of the Toronto and Nipissing Eastern Extension Railway Company, do hereby certify that the sum of $ is required to be expended in the construction of the portion of the line extending from mile number to mile number , and that payment should be made to the company of such amount from the municipal trust account, the same being in pursuance of the terms and conditions of the by-law of the municipality of the of

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SCHEDULE B.

(Section 27.)

I, auditor under section twenty-seven of the Act entitled An Act to incorporate the Toronto and Nipissing Eastern Extension Railway Company, do hereby certify that I have examined the pay rolls and other vouchers shewing the

expenditures upon the works or plant or other property of the said company, made out of the payments from the Toronto and Nipissing Eastern Extension Railway Trust, on the day of 18 , and that the said pay rolls and other vouchers representing an aggregate of $ the amount actually expended on the works, plant and other property of the company out of the said payments from the said trust exceed the proportion of ninety per cent. of that payment.

SCHEDULE C.

(Section 44.)

Know all men by these presents, that I, (*or* we) (*insert the names of the vendors*) in consideration of dollars paid to me (*or* us) by the Toronto and Nipissing Eastern Extension Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (*or* we) (*insert the names of any other party or parties*) in consideration of dollars paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant or release all that certain parcel (*or* those certain parcels) (*as the case may be*) of land situated (*describe the lands*) the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said Toronto and Nipissing Eastern Extension Railway Company, their successors and assigns (*here insert any other clauses, covenants or conditions required*), and I, (*or* we) the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands;

As witness my (*or* our) hand and seal (*or* hands and seals), this day of one thousand eight hundred and

Signed, sealed and delivered in the presence of } [L.S.]

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to incorporate the Toronto and Nipissing Eastern Extension Railway Company.

1st Reading, , 1880.

(PRIVATE BILL.)

Mr.

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET.

No. 49.] BILL. [1880.

An Act to incorporate the Toronto and Nipissing Eastern Extension Railway Company.

Preamble.

WHEREAS Henry S. Howland, Charles J. Pusey, William Gooderham, the younger, and John Leys, all of the City of Toronto, have petitioned for an act of incorporation for a company to construct a railway to be called the Toronto and Nipissing Eastern Extension Railway, from some point on the line of The Toronto and Nipissing Railway, through the Counties of Victoria, Peterborough, and Hastings, thence Easterly to the River Ottawa, and with power to build the same in sections; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation

1. The said parties above named, together with such other persons and corporations as shall in pursuance of this act become shareholders in the said company hereby incorporated, shall become and are hereby declared to be a body corporate and politic by the name of the Toronto and Nipissing Eastern Extension Railway Company.

Location of line.

2. The company hereby incorporated and their agents or servants shall have full power and authority under this Act to lay out, construct and finish a Railway from some point on the line of The Toronto and Nipissing Railway Company through the Counties of Victoria, Peterborough, and Hastings, thence Easterly to the River Ottawa, or to connect with existing lines, and shall have power to build the same in sections, as shall be deemed advisable.

Capital.

3. The capital of the company hereby incorporated shall be one hundred thousand dollars, with power to increase the same in the manner provided by the Railway Act, to be divided into four thousand shares, of twenty-five dollars each; and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place to the payment of all expenses for procuring the passing of this Act, and for making the surveys, plans, and estimates connected with the works hereby authorized, and the remainder of such money shall be applied to the making, equipment, completion, and working of the said railway, and the purposes of this Act.

Provisional directors.

4. Henry S. Howland, Charles J. Pusey, William Gooderham the younger, *A. W. Humphreys, Joseph Gray, Rupert E.*

Kingsford, James Pearson and John Leys, shall be, and are hereby constituted, a board of provisional directors of the said company, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of provisional directors.

5. The said board of provisional directors shall have full power to open stock books, and procure subscriptions for the undertaking; to make calls upon the subscribers; to cause surveys and plans to be executed; to enter into agreements for right of way, station grounds, terminal grounds, and gravel pits; and to receive any grant, loan, bonus or gift made to or in aid of the undertaking; and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, with all such other powers as under the Railway Act are vested in ordinary directors; and to call a general meeting of the shareholders for the election of directors as hereinafter provided; and such provisional directors may appoint a committee from their number to open such stock books, giving at least three weeks' notice in the *Ontario Gazette*, and in some one paper published in each county through which the road is proposed to pass, of the time and place of meeting to open such books and receive such subscriptions; and the said committee, or a majority of them, may in their discretion exclude any person from subscribing, who in their judgment would hinder, or delay, or embarrass the company in proceeding with their railway.

First election of directors.

6. As soon as shares to the amount of fifty thousand dollars of the capital stock of the company shall have been subscribed, and ten per centum shall have been paid into a chartered bank having an office in the Province of Ontario, or so soon as such subscriptions, together with sums granted by municipalities, either by way of bonus or in the subscription to the capital stock, shall amount to such sum of fifty thousand dollars, and the debentures granted in payment of such bonus or subscription shall have been deposited in one of the chartered banks in the Province, the provisional directors or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least three weeks' notice in a paper published in each of the counties affected, and in the *Ontario Gazette*, of the time, place, and object of such meeting, and at such general meeting the shareholders present, either in person or by proxy, who shall at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect six persons to be directors of the said company in manner and qualified as hereinafter directed, which said directors, together with the *ex-officio* directors under the Railway Act, or this Act, shall constitute a board of directors, and shall hold office until the first Monday in May, in the year following their election.

Application of moneys deposited.

7. The sums so paid shall not be withdrawn from the bank except for the purposes of this Act; nor shall the debentures so deposited be otherwise applied than to the purposes of the railway as defined in the by-law or agreement between the municipality or municipalities granting the same and the railway company in relation thereto.

8. The directors for the time being may from time to time make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section seven. Calls.

9. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place, and on such days, and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*. and once a week *for four weeks* in some one newspaper in each of the counties which have granted bonuses or subscribed for stock. Annual meetings.

10. Special general meetings of the shareholders of the said company may be held at such places, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section. Special meetings.

11. In the election of directors under this Act, no person shall be elected unless he shall be the holder and owner of at least twenty shares of the stock of the said company, upon which all calls have been paid up. Qualification of directors.

12. Aliens, as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the said company. Aliens may be shareholders.

13. At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, five directors shall form a quorum for the transaction of business; and directors may at any meeting of the board vote by proxy, provided at least four directors are personally present at such meeting, and the said board of directors may employ one or more of their number as paid directors. Quorum.

14. The said company may receive from any government or from any persons or bodies corporate, municipal or politic who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway, by way of gift, bonus, or loan of money, or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon. Aid to company.

15. It shall be lawful for any municipality, or any portion of any township municipality which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situated, to aid and assist the said company by loaning or guaranteeing, or giving money by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company, and otherwise, in such manner and to such extent as such municipality shall think expedient: Provided always, that when said bonds or debentures are granted by a portion of a township municipality, the Aid from municipalities. Proviso.

bonds or debentures so granted shall be the bonds or debentures of the township municipality, and that no such aid, loan, bonus, or guarantee shall be given, except after the passing of by-laws for the purpose and the adoption of such by-laws by the ratepayers, as provided in the Municipal Act for the creation of debts.

Petitions for aid by other than county municipality.

16. In case fifty persons, at least, rated on the last revised assessment roll of any municipality other than a county municipality as freeholders who may be qualified voters under the Municipal Act, do petition the council of such municipality, and in such petition express the desire of the said petitioners to aid in the construction of the said railway by giving a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce a by-law and submit the same to the vote of the qualified voters; and in case aid is desired from any portion of a township municipality, if at least fifty of the persons who are qualified voters as aforesaid, in any portion of the said township municipality, do petition the council of the said municipality to pass a by-law, in such petition defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law, and submit the same to the approval of the qualified voters of the said portion of such township municipality;

(1) For raising the amount so petitioned for by such freeholders in such portion of the municipality by the issue of debentures of the municipality payable in twenty years or by annual instalments of principal with interest, and for the delivery to the trustees of the debentures for the amount of said bonus at the time and on the terms specified in the said petition;

(2) For assessing and levying upon all the ratable property lying within the section defined by said petition, an equal annual special rate, as near as may be, sufficient to include a sinking fund for the repayment of the debentures with interest thereon, or for the payment of the said yearly instalments and interest, said interest to be payable yearly or half-yearly.

Petitions for aid by county municipality.

17. In the case of a county municipality the petition shall be that of a majority of the reeves and deputy reeves, or of twenty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the Municipal Act.

Council to pass by-law; and issue debentures.

18. In case such by-law be approved or carried by the majority of the votes given thereon, then within one month after the date of such voting, the said council shall read the said by-law a third time and pass the same.

19. Within one month after the passing of such by-law, the said council and the warden, mayor, reeve, or other head thereof, and the other officers thereof shall issue the debentures for the

bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act.

Rate assessed on portion of municipality.

20. In case any bonus be so granted by a portion of a municipality the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of the municipality.

Municipal Act to apply.

21. The provisions of the Municipal Act, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of the municipality to the same extent as if the same had been passed by or for the whole municipality.

Rate not to exceed three cents on the dollar.

22. All by-laws to be submitted to such vote for granting bonuses to the said company not requiring the levy of a greater annual rate for all purposes, exclusive of school rates, than three cents on the dollar of the ratable property affected thereby, shall be valid.

Exemption from taxation.

23. It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as to such municipal corporation may seem expedient, not exceeding twenty-one years.

Exchange of debentures.

24. The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company, and give in exchange therefor to the said township a like amount of the debentures of the said county, on a resolution to that effect being passed by the county council, but the township municipality shall in such case keep the county municipality fully indemnified against any rate or liability in respect to said debentures.

Trustees of debentures.

25. Whenever any municipality or portion of a *township* municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses; all of the trustees to be residents of the Province of Ontario: Provided, that if the said *heads of the municipalities* shall refuse or neglect to name such trustee, *within one month after notice in writing of the appointment of the company's trustee*, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, *then in either case* the company shall be at liberty to name such other trusteeor other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time, by the Lieutenant-Governor in Council, with the consent of the

Proviso.

said company, and in case any trustee dies or resigns his trust, or goes to live out of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of debentures.

☞**26.** The said trustees shall receive the said debentures or bonds in trust: Firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them: Secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of the "Toronto and Nipissing Eastern Extension Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company become entitled thereto under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being, in the form set out in schedule "A" hereto or to the like effect, which certificate shall set forth, that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payments, or delivery of debentures, and such engineer shall not wrongfully grant any such certificate, under a penalty of five hundred dollars, recoverable in any court of competent jurisdiction by any person who may sue therefor.☜

Fees to trustees.

27. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Municipalities empowered to grant lands.

28. Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company any lands belonging to such municipality, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Extension of time for completion of works.

29. It shall and may be lawful for the council of any municipality that may grant a bonus to the company, and they shall have full power to extend the time for the completion of the works, on the completion of which the said company would be entitled to such bonus.

Power to issue preferential bonds.

☞**30.** The directors of the said company, after the sanction of the shareholders shall have first been obtained at any special general meeting to be called from time to time for that purpose, shall have power to issue bonds made and signed by the president or vice-president of the said company, and countersigned by the secretary and under the seal of the said company for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking, and the real property of the company, including its rolling stock and equipments then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee

and incumbrancer *pro rata*, with all the other holders thereof, upon the undertaking and property of the company as aforesaid: Provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of eight thousand dollars per mile, nor shall the amount of such bonds issued at any one time be in excess of the amount actually expended in surveys, purchase of right of way, and works of construction and equipment upon the line of the said railway, or material actually purchased, paid for and delivered to the company within the Provinces of Ontario and Quebec; and provided further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors, and for voting, as are attached to shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Limit to bonds.

Proviso.

Proviso.

31. The said company shall have power and authority to become parties to promissory notes and bills of exchange, and any such promissory note or bill of exchange made or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, or shall the president, or vice-president, or the secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Powers as to promissory notes, etc.

Proviso.

32. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits for constructing, maintaining, and using said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and sell and convey the same or parts thereof *which are not required for the purposes of the said railway* from time to time as they may deem expedient, *but the compulsory clauses of the Railway Act shall not apply to this section.*

Right to acquire lands and gravel pits.

33. When stone, gravel, or any other material is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate

Compensation for stone, gravel, etc.

for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway; and the notice of arbitration, the award and the tender of compensation shall have the same effect as in the case of arbitration for the roadway, and all the provisions of the Railway Act as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining material as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case abitration is resorted to, to state the interest required.

Sidings to gravel pits, etc.

34. When said gravel, stone, or other material shall be taken under the preceding section of this Act at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the Railway Act and of the special Acts relating to the said company, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing or maintaining the said railway.

☞(2). When estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of chapter twenty of the Railway Act shall not apply.☜

Commencement and completion.

35. The railway shall be commenced within three years, and finally completed within seven years after the passing of this Act.

Agreements with other companies.

36. The company incorporated by this Act may enter into any arrangement with any other railway company or companies *duly authorized in that behalf*, for the working of the said railway on such terms and conditions as the directors of the several companies may agree on, or for leasing or hiring from such other company or companies any portion of their railway, or the use thereof, or for the leasing or hiring any locomotives or other moveable property from such companies or persons, and generally to make any agreement or agreements with any other company, *duly authorized as aforesaid*, touching the use by one or the other, or by both companies, of the railways or rolling stock, or either, or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the terms and tenor thereof,

Proviso.

provided that the assent of at least two-thirds of the share-

holders shall be first obtained at a general special meeting to be called for the purpose, according to the by-laws of the company and the provisions of this Act; and the company or companies leasing or entering into agreement for using the said line may and are hereby authorized to work the said railway in the same manner and in all respects as if incorporated with their own line; *but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.*

Power to mortgage bonds.

37. The said company hereby incorporated may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can, under the powers of this Act, issue for the construction of the railway or otherwise.

Transfer of shares.

38. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company or the surrender thereof dispensed with by the company.

Form of conveyance.

39. Conveyances of lands to the said company for the purpose of, and powers given by, this Act, made in the form set out in the schedule "B" hereunder written, or the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate and interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Power to build warehouses, etc.

40. The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to acquire and hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic, in connection with the railway.

Municipalities may subscribe for stock.

41. Nothing in this Act shall prevent any municipality from subscribing for stock of the company, pursuant to the Railway Act or the Municipal Act.

Telegraph lines.

42. For the purpose of constructing, working and protecting the telegraph lines constructed by the company under this Act on their line of railway, the powers conferred upon telegraph companies by the Act respecting electric telegraph companies, are hereby conferred upon the company, and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

Gauge

43. The gauge of the said railway shall *not be less than three feet six inches or more than* four feet eight and one half inches.

Extension of time.

44. In case the conditions upon which any municipality grants aid to the said company be not fully complied with in the time specified, the said municipality, through its council, may grant further time to the company for the fulfilment of its obligations as by the said council may be thought advisable.

SCHEDULE A.

(Section 26.)

CHIEF ENGINEER'S CERTIFICATE.

☞ Toronto and Nipissing Eastern Extension Railway Company's Office, Engineer's Department, No. , A.D. 188 .

Certificate to be attached to cheques drawn on the Toronto and Nipissing Eastern Extension Railway Company Municipal Trust Account, given under section chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, A. B., Chief Engineer for the Toronto and Nipissing Eastern Extension Railway Company, do certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the Township of (*or* under the agreement dated the day of between the Corporation of and the said company) to entitle the said company to receive from the said trust the sum of (*here set out the terms and conditions, if any, which have been fulfilled*). ☜

SCHEDULE B.

(Section 39.)

Know all men by these presents, that I, (*or* we) (*insert the names of the vendors*) in consideration of dollars paid to me (*or* us) by the Toronto and Nipissing Eastern Extension Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (*or* we) (*insert the names of any other party or parties*) in consideration of dollars paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant or release all that certain parcel (*or* those certain parcels) (*as the case may be*) of land situated (*describe the lands*) the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said Toronto and Nipissing Eastern Extension Railway Company, their successors and assigns (*here insert any other clauses, covenants or conditions required*), and I, (*or* we) the wife (*or* wives) of the said do

hereby bar my (*or* our) dower in the said lands;

As witness my (*or* our) hand and seal (*or* hands and seals), this day of one thousand eight hundred and

Signed, sealed and delivered in the presence of } [L.S.]

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to incorporate the Toronto and Nipissing Eastern Extension Railway Company.

(Reprinted as Amended.)

First Reading, 23rd January, 1880.

(PRIVATE BILL.)

Mr. Peck.

TORONTO:
Printed by C. Blackett Robinson.

No. 50.] BILL. [1880.

An Act to incorporate the Cobden and Opeongo Railway Company.

WHEREAS the construction of a railway from a point at, or near, or within the Village of Cobden, on the line of the Canada Central Railway Company, in the county of Renfrew to the village of Eganville, in the said county, and thence through the Opeongo District to intersect the Toronto and Ottawa Railway, has become desirable for the development of the resources of that portion of the Province of Ontario, to be traversed by the said railway, and the public convenience and accommodation of the inhabitants of said portion of said province, and would be of general benefit and advantage to said province; and whereas it is expedient to incorporate a company to construct said railway; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. James Worthington, Duncan McIntyre, William Cassels, William Houden and James C. Worthington, all of the city of Montreal, in the Province of Quebec; Thomas Murray, William Murray, William Moffat and John H. Metcalf, all of the town of Pembroke, in the county of Renfrew; and James Bonfield, of the village of Eganville, in the said county of Renfrew, together with such other persons and corporations as shall, in pursuance of this Act, become shareholders of the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of the "Cobden and Opeongo Railway Company." Incorporation.

2. The several clauses of the Railway Act of Ontario, and also the several clauses thereof with respect to "interpretation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors," "calls," "dividends," "shares and their transfer," "shareholders," "municipalities taking stock," "by-laws, notices, etc.," "working of the railway," "actions for indemnity, and fines, and penalties, and their prosecution," and "general provisions," and also the several sections of the said Act from thirty-seven to one hundred and three both inclusive, shall be incorporated with and deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act of Ontario, so incorporated with this Act. Certain clauses of Railway Act incorporated.

Location of line.

3. The said company shall have full power under this Act to construct and operate a railway from a point at or near or within the village of Cobden, on the line of the Canada Central Railway, in the county of Renfrew, to the village of Eganville, in the said county, and thence through the Opeongo District to intersect the Toronto and Ottawa Railway, at some point on the said railway, with full power to pass over any portion of the country between the points aforesaid and to construct the said railway in sections.

Gauge.

4. The said railway may be constructed of any gauge, not more than four feet eight and one-half inches in width.

Form of conveyances to company.

5. Conveyances of land to the said company, for the purposes of said railway, under the powers given by this Act, made in the form set out in schedule "A" hereto annexed, or the like effect, shall be sufficient conveyances to the said company, their successors and assigns of the estate or interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Law of Ontario; and no registrar shall be entitled to demand more than fifty cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Provisional directors.

6. The said James Worthington, Duncan McIntyre, William Cassels, William Houden, James C. Worthington, Thomas Murray, William Murray, William Moffatt, John H. Metcalf and James Bonfield, shall be provisional directors of the said company, and the said provisional directors, until others shall be named as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring therein, to associate with themselves thereon not more than three other persons, who, upon being so named, shall become and be provisional directors of the company equally with themselves, to open stock books, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided, and pending such election to cause surveys and plans to be made and executed, and to commence and proceed with the building, construction, and equipment of the said railway, and with all such other powers as under the Railway Act, and any other law in force in Ontario, are vested in such boards.

Powers of provisional directors.

Capital.

7. The capital of the company, hereby incorporated, shall be five hundred thousand dollars (with power to increase the same in the manner provided by the Railway Act) to be divided into five thousand shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised, shall be applied in the first place, to the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and all the remainder of such moneys shall be applied to the making, equipment and completion of the said railway, and the other purposes of this Act, and until such preliminary expenses shall be paid out of the said capital stock, the municipality of any county,

town, township or village on the line of such works, may pay out of the general funds of such municipality, its fair proportion of such preliminary expenses which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock.

Ten per cent. to be paid down on subscription.

8. On the subscription for shares of the said capital stock, each subscriber shall within ten days thereafter, pay ten per centum of the amount subscribed by him into some chartered bank to be designated by the directors, to the credit of the said company.

Calls.

9. Thereafter calls may be made by the directors, for the time being, as they shall see fit; provided that no call shall be made at any time of more than ten per centum of the amount subscribed by each subscriber and at intervals of not less than three months, and upon giving four weeks notice in the manner hereinafter provided.

Certain payments allowed in stock or bonds.

10. The said provisional directors or the elected directors, may pay, or agree to pay, in paid up stock, or in the bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for right of way, or material, or plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Election of directors.

11. As soon as shares to the amount of twenty-five thousand dollars of the capital stock of the company shall have been subscribed, and ten per centum thereof paid into some chartered bank having an office in the town of Brockville in the county of Leeds and Province of Ontario, and which shall on no account be withdrawn therefrom unless for the services of the company, the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum thereof, for the purpose of electing directors of the said company.

Payment o stock in full and discount allowed.

12. It shall be lawful for the provisional or elected directors to accept payment in full for stock from any subscriber thereof, at the time of subscription thereof, or at any time before the making of a final call thereon, and to allow such percentage or discount thereon as they may deem expedient and reasonable, and thereupon to issue to each subscriber scrip to the full amount of such stock subscribed.

Proviso, if provisional directors neglect to call meeting.

13. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed and ten per centum so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than five hundred dollars of the capital stock, and who have paid up all calls thereon.

Notice of meeting.

14. In either case notice of the time and place of holding such general meeting shall be given in the *Ontario Gazette*, and in one local newspaper, once in each week for the space of at least four weeks, and such meeting shall be held at the town of Brockville aforesaid, at such place therein and on such day as may be named in such notice; at such general meeting the subscribers for such capital stock assembled, who shall have so paid ten per centum thereof, with such proxies as may be present, shall choose nine persons to be the directors of the said company, and may also make and pass such rules, regulations, and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Annual meeting.

15. Thereafter on the first Wednesday in July, in each and every year, the general annual meeting of the shareholders of the said company shall be held at the principal office of the company, at the said town of Brockville, and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette* and in one local newspaper, once in each week for four weeks.

Special meetings.

16. Special general meetings of the shareholders of the said company may be held at such places, at such times, and in such manner, and for such purposes, as may be provided by the by-laws of the said company.

Votes.

17. Every shareholder of one or more shares of the capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him, provided that no one shareholder shall be entitled to more than fifty votes at any meeting, notwithstanding the amount of shares held by him; and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid at least one week before the day appointed for such meeting.

Qualification of directors.

18. No person shall be qualified to be elected a director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls due thereon.

Quorum.

19. Any meeting of the directors of the said company regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the directors, and the said board of directors may employ one of their number as paid director.

Aid by government and others.

20. The said company may receive from any government, or from any persons or bodies corporate, municipal, or politic, that may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway.

Aliens.

21. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company; and all such shareholders, whether resident in this province or elsewhere, shall be entitled to vote on their

shares equally with British subjects, and shall also be eligible to office as directors in said company.

Aid by municipalities acting alone or grouped together.

22. And it shall further be lawful for any municipality or any portion of any township municipality, acting alone or for any two or more minor municipalities, or sections of two or more such municipalities, or of two or more such municipalities with a section or sections of one or more minor municipalities forming part of a county municipality acting together and conjointly, which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate, to aid and assist the said company by loaning, or guaranteeing, or giving money by way of bonus, or other means to the company, and otherwise in such manner and to such extent as such municipality, or section thereof, or grouped municipalities acting together and conjointly for the purpose aforesaid, shall think expedient; Provided always, that when the said bonds or debentures are granted by a portion or section of a township municipality, the bonds or debentures so granted, shall be the bonds or debentures of the township municipality of which such section or portion forms a part, and when the said bonds or debentures are granted by any two or more minor municipalities, or sections of two or more such municipalities, or of two or more such municipalities with a section or sections of one or more minor municipalities forming part of a county municipality acting together and conjointly for the purpose aforesaid, the bonds or debentures so granted shall be the bonds or debentures of the county municipality of which such minor municipalities or sections form part, but that no such aid, loan, bonus, or guarantee shall be given, except after the passing of by-laws for that purpose and the adoption of such by-laws by the ratepayers of the section, defined in such petition as hereinafter provided, as provided in the Municipal Act for the creation of debts.

Proviso.

Petition for by-law in counties.

23. In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy reeves, or of twenty resident freeholders in each of the minor municipalities of the county who are qualified voters under the Municipal Act, and in the case of a portion of a county municipality formed into a group and acting together and conjointly for the purposes of this Act, the petition shall be that of a majority of the reeves and deputy reeves of the several minor municipalities so grouped together, or of twenty or more resident freeholders of each of the minor municipalities so grouped together, being duly qualified voters as aforesaid.

Petition for by-law in grouped municipalities.

Council to submit by-law.

24. In case twenty persons at least rated on the last revised assessment roll of any municipality, other than a county municipality, as freeholders, who may be qualified voters under the Municipal Act, do petition the council of such municipality, and in such petition express the desire of such petitioners to aid in the construction of said railway by giving a bonus to the said company, and stating the amount they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce a by-law and submit the same to the vote of the qualified voters thereof; and in case aid is desired from any portion of a township muni-

cipality, if at least twenty of the persons who are qualified voters, as aforesaid, in such portion of the said township municipality do petition the council of the said municipality to pass a by-law, in such petition defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of such petitioners to aid in the construction of the said railway by granting a bonus to the said company and stating the amount they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce a by-law, and submit the same to the approval of the qualified voters of the said portion of such township municipality; and in case twenty persons, at least, rated on the last revised assessment roll of each of any two or more minor municipalities and sections of municipalities grouped together for the purposes of this Act, who are freeholders and qualified voters under the Municipal Act, do together and conjointly petition the council of the county of which such minor municipalities and sections of municipalities form part, and in such petition express the desire of such petitioners to conjointly aid in the construction of the said railway by giving a bonus to the said company, and stating the amount they so desire to grant and be assessed for, and in such petition define the metes and bounds within which the property of the petitioners is situate, the county council shall, within six weeks after the receipt of such petition, introduce a by-law and submit the same to the vote of the qualified voters within the boundary in said petition defined; but the rate to be levied for payment of the debentures issued thereunder, and the interest thereon, shall be assessed and levied upon such portions only of the county embraced within the boundary so defined, and the voting thereon shall be limited to the duly qualified voters within said boundary.

In case of grouped municipalities county council to submit by-law.

Rate to be levied within the territory embraced in petition.

Definition of minor municipality.

25. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, a township or section thereof, or an incorporated village, situate in the county municipality.

Company to make deposit for expenses.

26. Before any such by-law is submitted, the railway company shall deposit with the treasurer of the municipality so required to submit a by-law for the purposes aforesaid, a sum sufficient to pay the expenses of submitting the said by-law.

Provisions of by-law.

27. Such by-law shall in each instance provide:

(1) For raising the amount petitioned for in the municipality or portions of the county municipality grouped together or otherwise (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, payable in twenty years, or by annual instalments of principal and interest, and shall also provide for the delivery of the said debentures to the trustees of the debentures for the amount of said bonus, or the application of the amount to be raised thereby, as may be expressed in the said by-law, at the times and on the terms specified in said petition;

(2) For assessing and levying upon all the ratable property lying within the section defined by the said petition, an equal annual special rate, as near as may be sufficient to include a sinking fund for the repayment of the debentures with interest

thereon, or for the payment of the said yearly instalments and interest, said interest to be paid yearly or half-yearly.

Council to pass by-law.

28. In case such by-law be approved or carried by the majority of the votes given thereon, as hereinbefore provided, then, within one month after the date of such voting, the said council shall read the said by-law a third time, and pass the same.

Council to issue debentures.

29. Within one month after the passing of such by law the said council, and the warden, mayor, reeve or other head thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed, or to be appointed, under this Act.

Municipal Act to apply to by-law.

30. The provisions of the Municipal Act, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a municipality, or grouped municipalities, or sections thereof acting together, to the same extent as if the same had been passed by or for the whole municipality.

By-law valid if annual rate does not exceed three cents in the dollar.

31. All by-laws to be submitted to such vote for granting bonuses to the said company, not requiring the levy of a greater annual rate for all purposes, exclusive of school rates, than three cents on the dollar of the ratable property affected thereby shall be valid.

Exemption from taxation.

32. It shall further be lawful for the corporation of any municipality, through any part of which the railway of the said company passes or is situate, by by-law specially passed for that purpose, to exempt the said company and its property within the said municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years.

Debentures to be delivered to trustees.

33. Whenever any municipality shall grant a bonus to aid the said company in the making, equipping and completion of the said railway, the debentures therefor shall, within six weeks after the passing of the by-law authorizing the same, be delivered to three trustees, namely: one to be appointed by the said company, and one by the majority of the reeves and deputy-reeves of all the municipalities, or portions thereof, granting bonuses prior to the first day of January next, and one to be named by the Lieutenant-Governor in Council: Provided that if the Lieutenant-Governor in Council shall refuse or neglect to name such trustee within one month after notice in writing to him requiring him to appoint such trustee, the said company shall be at liberty to name one in the place of the one to have been named by the said Lieutenant-Governor in Council. Any of the said trustees may be removed and a new trustee appointed in his place, at any time, by the Lieutenant-Governor in Council, with the consent of the said company; and in case any trustee dies or resigns his trust, or goes to live out of Ontario, or otherwise becomes incapable to

New trustees may be appointed.

act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of the said company.

Act of two trustees binding.

34. The act of any two of such trustees shall be as valid and binding as if the three had agreed.

Trusts of debentures.

35. The said trustees shall receive the said debentures on trust: firstly, under the instructions of the directors to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some one or more of the chartered banks of the Dominion in the name of the "Cobden and Opeongo Railway Municipal Trust Account," and to pay the same unto the company from time to time on the certificate of the chief engineer of the said company, in the form set out in the Schedule B hereto, or to the like effect, setting out how the money is to be applied, and that the sum so certified for is in pursuance of the terms and conditions (if such there be) of the by-law, and such certificate is to be attached to the cheques drawn by the said trustees.

County debentures may be given in exchange for township.

36. Any county in which is or are situate a township or portion of a township, or grouped townships and sections thereof, that shall grant a bonus or bonuses in aid of the said county, shall be at liberty to take the debentures issued by such township, or portion of a township, or grouped townships, and in exchange therefor to hand over to the trustees under this Act, the debentures of the county, on a resolution being passed to that effect by a majority of the county council.

Issue of bonds.

37. The directors of the said company, after the sanction of the shareholders shall have been first obtained, at any special general meeting, to be called from time to time for such purpose, shall have power to issue bonds to any amount not exceeding ten thousand dollars per mile of railway, to be signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be first and preferential claims and charges upon the said undertaking and the real property of the said company, including its rolling stock and equipment then existing and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and encumbrancer *pro-rata* with all the other holders thereof upon the undertaking and property of the company as aforesaid: Provided,

Proviso.

that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders: Provided further that the bonds and any transfer thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof; all such bonds, debentures, mortgages, and other securities and coupons, and

interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such so made payable to bearer may sue at law thereon in his own name.

Negotiable instruments.

38. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the president or vice-president of the company and countersigned by the treasurer and secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, or vice-president, or secretary and treasurer be individually responsible for the same, unless the said promissory note or bill of exchange has been issued without the sanction and authority of the directors, as herein provided and enacted: Provided however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Proviso.

Acquiring stone, gravel, etc.

39. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may acquire and hold land in addition to the roadway, from which to obtain such supplies of the same as are required by them for such construction and maintenance, and the same or any part thereof may sell and dispose of when no longer required, and in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, may cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the roadway; and all the provisions of the Railway Act of Ontario, as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid, and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Tracks to quarries, tc.

40. When said gravel, earth, stone or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary siding or track over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of the Railway Act of Ontario and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the

railway to the land on which such materials are situated; and such right may be acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

2. In estimating the damages for the taking of gravel, earth, stone or sand sub-section eight of section twenty of the Act respecting railways shall not apply.

Power to acquire whole lots.

41. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or part thereof, from time to time as they may deem expedient, but the compulsory clauses of the Railway Act shall not apply to this section.

Snow fences.

42. The said company shall have the right on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any person or corporation whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect to such railway, to have been actually suffered: Provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

Proviso.

Rates for carriage of cordwood.

43. The said company shall at all times receive and carry cordwood or any wood for fuel, at a rate not to exceed, for dry wood, three cents per mile per cord, from all stations exceeding fifty miles, and at a rate not exceeding three and one-half cents per mile per cord from all stations under fifty miles in full car loads, and for green wood, at the rate of three cents per ton per mile.

Company to furnish facilities for traffic in cordwood, &c.

44. The company shall further at all times furnish every facility necessary for the free and unrestrained traffic in cordwood, ores, minerals and sawed lumber to as large an extent as in the case of other freight carried over the said railway.

Dry wood defined.

45. Cordwood or wood for fuel, cut before the first day of March in any year, shall be deemed for the purposes of this Act, dry wood by the first of October following, and not before.

Power to navigate streams.

46. The company shall have power to construct, purchase, charter and navigate steam vessels and other water craft on any lake, river, or stream near to or touched by the railway, or any of its branches, for the purpose of traffic in connection with the railway or any of its branches.

Council entitled to appoint a

47. Any municipal council of a municipality which has given a bonus in aid of the said railway or its branches amount-

ing to not less than five thousand dollars, shall be entitled during the construction of the railway, but not afterwards, to appoint a person annually to be a director of the company, and such person shall be a director of the company in addition to all the other directors authorized by this Act, or the general Railway Act, or any other Act; but such municipality shall incur no liability by the appointment of such director.

Municipality may appoint director on certain conditions.

48. The railway shall be commenced within five years and completed within ten years, or else the charter shall be forfeited as regards so much of the railway not completed.

Commencement and completion of road.

49. The said company shall have power to make running arrangements with the Canada Central Railway Company, the Toronto and Ottawa Railway Company, or any other railway company, upon terms to be approved of by two-thirds of the shareholders present in person, or by proxy, at any special general meeting to be held for that purpose in accordance with this Act.

Power to make running arrangements with other roads.

50. It shall be lawful for the said company to enter into an agreement with any other company for the absolute sale to them, or for the leasing to them of the said Cobden and Opeongo Railway, or any part thereof, or for the use thereof, at any time or times, or for the leasing or hiring any locomotives, tenders, plant, rolling stock, or other property, or either or both, or any part thereof, or for the conveyance and transit of traffic, for or with such other company, or touching any service to be rendered by the one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds of the shareholders voting in person, or by proxy, at a special general meeting to be called in accordance with this Act for that purpose; and every such agreement shall be valid and binding upon both companies, and shall be enforced by courts of law and equity according to the terms and tenor thereof, and such or any other company accepting any conveyance or lease, in pursuance of any such agreement, shall have, and are hereby empowered to exercise, all the rights and privileges conferred by this Act.

Power to sell or lease.

SCHEDULE A.

(Section 5.)

Know all men by these presents, that I, , of the of in the county of and Province of Ontario, for and in consideration of dollars of lawful money of Canada, paid to me (*or* us) by the Cobden and Opeongo Railway Company, the receipt whereof is hereby acknowledged, do grant, release and convey unto the Cobden and Opeongo Railway Company, their successors and assigns, all that certain parcel or tract of land and premises, situate lying and being in the township of in the county of Renfrew, and Province of Ontario, being composed of [*description of land*], to have and to hold the said land and premises unto the said Cobden and Opeongo Railway Company, their

successors and assigns, forever [*trusts or conditions, if any*]. And I, , wife of the said grantor, hereby bar dower in the said lands.

As witness hand and seal this day of one thousand eight hundred and

Signed, sealed and delivered in presence of }

SCHEDULE B.

(*Section* 35.)

Chief Engineer's Certificate.

Cobden and Opeongo Railway Company's Office, Engineer's Department.

No.

Certificate to be attached to cheques drawn on the Cobden and Opeongo Railway Company Municipal Trust Account, given under section of chapter Victoria.

I, Chief Engineer for the Cobden and Opeongo Railway Company do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law number of the of (or under the agreement dated the day of between the corporation of and the said company to entitle the sad company to receive from the said trust the sum of [*here set out the terms and conditions, if any, that have been fulfilled.*]

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to incorporate the Cobden and Opeongo Railway Company.

1st Reading, 1880.

(PRIVATE BILL.)

Mr. Bonfield.

TORONTO:
Printed by C. Blackett Robinson.

No. 50.] **BILL.** [1880.

An Act to incorporate the Cobden and Opeongo Railway Company.

Preamble.

WHEREAS the construction of a railway from a point at, or near, or within the Village of Cobden, on the line of the Canada Central Railway Company, in the county of Renfrew to the village of Eganville, in the said county, and thence through the Opeongo District to intersect the Toronto and Ottawa Railway, has become desirable for the development of the resources of that portion of the Province of Ontario, to be traversed by the said railway, and the public convenience and accommodation of the inhabitants of said portion of said Province, and would be of general benefit and advantage to said Province; and whereas it is expedient to incorporate a company to construct said railway;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. James Worthington, Duncan McIntyre, William Cassels, William Houden and James C. Worthington, all of the city of Montreal, in the Province of Quebec; Thomas Murray, William Murray, William Moffat and John H. Metcalf, all of the town of Pembroke, in the county of Renfrew; and James Bonfield, of the village of Eganville, in the said county of Renfrew, together with such other persons and corporations as shall, in pursuance of this Act, become shareholders of the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of the "Cobden and Opeongo Railway Company."

Location of line.

2. The said company shall have full power under this Act to construct and operate a railway from a point at or near or within the village of Cobden, on the line of the Canada Central Railway, in the county of Renfrew, to the village of Eganville, in the said county, and thence through the Opeongo District to intersect the Toronto and Ottawa Railway, at some point on the said railway, with full power to pass over any portion of the country between the points aforesaid and to construct the said railway in sections.

Gauge.

3. The gauge of the said railway shall not be less than four feet eight and one-half inches.

Form of conveyances to company.

4. Conveyances of land to the said company, for the purposes of said railway, under the powers given by this Act, made in the form set out in schedule "A" hereto annexed, or the like effect, shall be sufficient conveyances to the said company,

their successors and assigns of the estate or interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Law of Ontario; and no registrar shall be entitled to demand more than *seventy-five* cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Provisional directors.

5. The said James Worthington, Duncan McIntyre, William Cassels, William Houden, James C. Worthington, Thomas Murray, William Murray, William Moffatt, John H. Metcalf and James Bonfield, shall be provisional directors of the said company, and the said provisional directors, until others shall be named as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring therein, to associate with themselves thereon not more than three other persons, who, upon being so named, shall become and be provisional directors of the company equally with themselves, to open stock books, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided, and pending such election to cause surveys and plans to be made and executed, and to commence and proceed with the building, construction, and equipment of the said railway, and with all such other powers as under the Railway Act, and any other law in force in Ontario, are vested in such boards.

Powers of provisional directors.

Capital.

6. The capital of the company, hereby incorporated, shall be five hundred thousand dollars (with power to increase the same in the manner provided by the Railway Act) to be divided into five thousand shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised, shall be applied in the first place, to the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and all the remainder of such moneys shall be applied to the making, equipment and completion of the said railway, and the other purposes of this Act, and until such preliminary expenses shall be paid out of the said capital stock, the municipality of any county, town, township or village on the line of such works, may pay out of the general funds of such municipality, its fair proportion of such preliminary expenses which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock.

Ten per cent. to be paid down on subscription.

7. On the subscription for shares of the said capital stock each subscriber shall within ten days thereafter, pay ten per centum of the amount subscribed by him into some chartered bank to be designated by the directors, to the credit of the said company.

Calls.

8. Thereafter calls may be made by the directors, for the time being, as they shall see fit; provided that no call shall be made at any time of more than ten per centum of the amount subscribed by each subscriber and at intervals of not less than

three months, and upon giving four weeks notice in the manner hereinafter provided.

Certain payments allowed in stock or bonds.

9. The said provisional directors or the elected directors, may pay, or agree to pay, in paid up stock, or in the bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for right of way, or material, or plant or rolling stock, and also, *subject to the sanction of a vote of the shareholders*, for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Election of directors.

10. As soon as shares to the amount of twenty-five thousand dollars of the capital stock of the company shall have been subscribed, and ten per centum thereof paid into some chartered bank having an office in the town of Brockville in the county of Leeds and Province of Ontario, and which shall on no account be withdrawn therefrom unless for the services of the company, the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum thereof, for the purpose of electing directors of the said company.

Proviso, if provisional directors neglect to call meeting.

11. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed and ten per centum so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than five *thousand* dollars of the capital stock, and who have paid up all calls thereon.

Notice of meeting.

12. In either case notice of the time and place of holding such general meeting shall be given in the *Ontario Gazette*, and in one local newspaper, once in each week for the space of at least four weeks, and such meeting shall be held at the town of Brockville aforesaid, at such place therein and on such day as may be named in such notice; at such general meeting the subscribers for such capital stock assembled, who shall have so paid ten per centum thereof, with such proxies as may be present, shall choose nine persons to be the directors of the said company, and may also make and pass such rules, regulations, and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Annual meeting.

13. Thereafter on the first Wednesday in July, in each and every year, the general annual meeting of the shareholders of the said company shall be held at the principal office of the company, at the said town of Brockville, and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette* and in one local newspaper, once in each week for four weeks.

Special meetings.

14. Special general meetings of the shareholders of the said company may be held at such places, at such times, and in such manner, and for such purposes, as may be provided by the by-laws of the said company *upon such notice as is provided in the last preceding section.*

Votes.

15. Every shareholder of one or more shares of the capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him, provided that no one shareholder shall be entitled to more than fifty votes at any meeting, notwithstanding the amount of shares held by him; and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid at least one week before the day appointed for such meeting.

Qualification of directors.

16. No person shall be qualified to be elected a director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls due thereon.

Quorum.

17. Any meeting of the directors of the said company regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the directors, and the said board of directors may employ one of their number as paid director.

Aid by government and others.

18. The said company may receive from any government, or from any persons or bodies corporate, municipal, or politic, that may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway.

Aliens.

19. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company; and all such shareholders, whether resident in this province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in said company.

Aid from municipalities.

☞**20**. Any municipality or any portion of a township municipality, which may be interested in the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass, or be situate, may aid the said company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained: Provided always that no such aid shall be given except after the passing of a by-law for the purpose and the adoption of such by-law by the qualified ratepayers of the municipality, or portion of municipality (as the case may be), as provided in the Municipal Act for the creation of debts.

Proviso.

Provisions as to bonus by-laws.

21. Such by-laws shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

(1) The proper petition shall first be presented to the coun-

cil, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;

(2). In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under the Municipal Act;

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters as aforesaid;

(4) In the case of the section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

Provisions for referring to arbitration disputes as to bonus by-laws.

22. In case of aid from a county municipality fifty resident freeholders of the county may petition the county council against submitting the said by-law upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom; and the decision of any two of them shall be final; and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

Deposit for expenses.

23. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

"Minor Municipality," meaning of.

24. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality.

Rate not exceeding three cents in the dollar valid.

25. All municipalities or portions thereof interested in the construction of the road of the said company, may grant aid by way of bonus to the said company, towards the construction or maintenance of such road, notwithstanding that such aid may increase the municipal taxation of such municipalities

Proviso.

or portions thereof, beyond what is allowed by law: provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates than three cents in the dollar upon the value of the ratable property therein.

By-law, what to contain.

26. Such by-law shall in each instance provide:

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law;

(2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be), an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, warden, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

If by-law carried, council pass same,

27. In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same.

and issue debentures

28. Within one month after the passing of such a by-law, the said council and the warden, reeve, or other officers thereof shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof.

Exemption from or agreement as to taxes.

29. It shall further be lawful for the council of any municipality, in which any part of the railway of the company is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation and for such term of years as such municipal corporation may deem expedient not exceeding twenty-one years; and any such by-law shall not be repealed unless in conformity with a condition contained therein.

Extension of time for completion.

30. It shall and may be lawful for the council of any municipality that may grant, or that may have granted, a bonus to the company (and they shall have full power) to extend the time for completion of the works, on the completion of which the said company would be entitled to such bonus.

Extension of time for commencement.

31. The councils for all corporations that, or any portion of which, have heretofore granted, or may hereafter grant aid by way of bonus to the said company, may, by resolution or by-

law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time: Provided, that no such extension shall be for a longer period than one year. Proviso.

Trustees of debentures.

32. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six weeks after passing of the by-law authorizing the same, be delivered to three trustees, to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario: Provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council with the consent of the company; and in case any trustee dies or resigns his trust, or goes to live out of Ontario or otherwise becomes incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council. Proviso.

Fees to Trustees.

Act of two Trustees binding.

33. The trustees shall be entitled to their reasonable fees and charges from said trust fund; and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Trusts of debentures.

34. The said trustees shall receive the said debentures or bonds in trust: Firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto, as to time or manner, to convert the same into money or otherwise dispose of them: Secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of the "Cobden and Opeongo Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company become entitled thereto under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being, in the form set out in the schedule "B" hereto, or to the like effect, which certificate shall set forth, that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payments, or delivery of debentures, and such engineer shall not wrongfully grant any such certificate, under a penalty of five hundred dollars, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Exchange of debentures.

35. The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company and give in exchange therefor to the said township a like amount of debentures of the said county on a resolution to that effect being passed by the county council,

but the township municipality shall in each case keep the county municipality fully indemnified against any rate or liability in respect of said debentures.

Municipalities authorized to grant land.

36. Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company any lands belonging to such municipality which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government or any person or body, politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

sue of bonds.

37. The directors of the said company, after the sanction of the shareholders shall have been first obtained, at any special general meeting, to be called from time to time for such purpose, shall have power to issue bonds to any amount not exceeding ten thousand dollars per mile of railway, to be signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be first and preferential claims and charges upon the undertaking and the real property of the company including its rolling stock and equipment then existing and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and encumbrancer *pro-rata* with all the other holders thereof upon the undertaking and property of the company as aforesaid: Provided, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders: Provided further that the bonds and any transfer thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof; all such bonds, debentures, mortgages, and other securities and coupons, and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such *bonds, debentures, or other securities* so made payable to bearer may sue at law thereon in his own name.

Proviso.

Proviso.

Negotiable instruments.

38. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the president or vice-president of the company and countersigned by the treasurer and secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, or vice-presi-

dent, or secretary and treasurer be individually responsible for the same, unless the said promissory note or bill of exchange has been issued without the sanction and authority of the directors, as herein provided and enacted: Provided however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank. Proviso

39. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may acquire and hold land in addition to the roadway, from which to obtain such supplies of the same as are required by them for such construction and maintenance, and the same or any part thereof may sell and dispose of when no longer required, and in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, may cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the roadway; and all the provisions of the Railway Act of Ontario, as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid, and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required. Acquiring stone, gravel, etc.

40. When said gravel, earth, stone or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary siding or track over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of the Railway Act of Ontario and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be *so* acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway. Tracks to quarrries, tc.

(2.) In estimating the damages for the taking of gravel, earth, stone or sand sub-section eight of section twenty of the *Railway* Act shall not apply.

41. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchas- Power to acquire whole lots.

ing the railway line only, the company may purchase, hold, use and enjoy such lands and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or part thereof, from time to time as they may deem expedient, but the compulsory clauses of the Railway Act shall not apply to this section.

Snow fences.

42. The said company shall have the right on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any person or corporation whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be thereafter established *by arbitration* in the manner provided by law in respect to such railway, to have been actually suffered: Provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

Proviso.

Rates for carriage of cordwood.

43. The said company shall at all times receive and carry cordwood or any wood for fuel, at a rate not to exceed, for dry wood, three cents per mile per cord, from all stations exceeding fifty miles, and at a rate not exceeding three and one-half cents per mile per cord from all stations under fifty miles in full car loads, and for green wood, at the rate of three cents per ton per mile.

Company to furnish facilities for traffic in cordwood, &c.

44. The company shall further at all times furnish every facility necessary for the free and unrestrained traffic in cordwood, ores, minerals and sawed lumber to as large an extent as in the case of other freight carried over the said railway.

Dry wood defined.

45. Cordwood or wood for fuel, cut before the first day of March in any year, shall be deemed for the purposes of this Act, dry wood by the first of October following, and not before.

Power to navigate streams.

46. The company shall have power to construct, purchase, charter and navigate steam vessels and other water craft on any lake, river, or stream near to or touched by the railway, or any of its branches, for the purpose of traffic in connection with the railway or any of its branches.

Council entitled to appoint a director on certain conditions.

47. Any municipal council of a municipality which has given a bonus in aid of the said railway or its branches amounting to not less than five thousand dollars, shall be entitled during the construction of the railway, but not afterwards, to appoint a person annually to be a director of the company, and such person shall be a director of the company in addition to all the other directors authorized by this Act, or the general Railway Act, or any other Act; but such municipality shall incur no liability by the appointment of such director.

Commencement and completion of road.

48. The railway shall be commenced within five years and completed within ten years, or else the charter shall be forfeited as regards so much of the railway *as is* not completed.

Power to make running arrangements with other roads.

49. The said company shall have power to make running arrangements with the Canada Central Railway Company, *if such company is duly authorized in that behalf;* the Toronto

and Ottawa Railway Company, or any other railway company *duly authorized in that behalf*, upon terms to be approved of by two thirds of the shareholders present in person, or by proxy, at any special general meeting to be held for that purpose in accordance with this Act.

Power to sell or lease.

50. It shall be lawful for the said company to enter into an agreement with any other company *duly authorized in that behalf*, for the absolute sale to them, or for the leasing to them of the said Cobden and Opeongo Railway, or any part thereof, or for the use thereof, at any time or times, or for the leasing or hiring any locomotives, tenders, plant, rolling stock, or other property, or either or both, or any part thereof, or for the conveyance and transit of traffic, for or with such other company, or touching any service to be rendered by the one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds of the shareholders voting in person, or by proxy, at a special general meeting to be called in accordance with this Act for that purpose; and every such agreement shall be valid and binding upon both companies, and shall be enforced by courts of law and equity according to the terms and tenor thereof, and such or any other company accepting any conveyance or lease, in pursuance of any such agreement, shall have, and is hereby empowered to exercise, all the rights and privileges conferred by this Act, *but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.*

☞ SCHEDULE A.

(Section 4.)

Know all men by these presents, that I (*or* we) [*insert the name or names of the vendors*] in consideration of

dollars paid to me (*or* us) by the Cobden and Opeongo Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (*or* we) [*insert name of any other party or parties*] in consideration of

paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or* those certain parcels, *as the case may be*) of land (*describe the land*), the same having been selected and laid out by the said company for the purposes of this railway, to hold with the appurtenances unto the said Cobden and Opeongo Railway Company, their successors and assigns, (*here insert any other clauses, conditions and covenants required*) and I (*or* we) wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands, as witness my (*or* our) hand and seal (*or* hands and seals) this day of one thousand eight hundred and eighty

Signed, sealed and delivered in presence of }

(L.S.) ☞

SCHEDULE B.

(*Section* 34.)

Chief Engineer's Certificate.

Cobden and Opeongo Railway Company's Office, Engineer's Department.

No.

Certificate to be attached to cheques drawn on the Cobden and Opeongo Railway Company Municipal Trust Account, given under section of chapter *of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's Reign.*

I, Chief Engineer for the Cobden and Opeongo Railway Company do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law number of the of (or under the agreement dated the day of between the corporation of and the said company to entitle the said company to receive from the said trust the sum of [*here set out the terms and conditions, if any, that have been fulfilled.*]

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to incorporate the Cobden and Opeongo Railway Company.

(Reprinted as Amended.)

First Reading, 23rd January, 1880.

(PRIVATE BILL.)

MR. BONFIELD.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

No. 51.] **BILL.** [1880.

An Act respecting the Georgian Bay and Wellington Railway Company.

Preamble.

WHEREAS the Georgian Bay and Wellington Railway Company have petitioned that an Act may be passed to amend the Act relating to the said company, passed in the forty-second year of Her Majesty's reign and chaptered fifty-six, and to confirm certain by-laws granting aid to the said company, and for other purposes; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Sec. 4 of 42 Vic., c. 56, amended, and by-laws confirmed.

1. Section four of the said Act is hereby amended by striking out all after the word "company" in the thirteenth line thereof; and all of the by-laws enumerated in the said section, together with all debentures and coupons now issued under any of them, or that shall be hereafter issued thereunder, are declared to be legal, valid and binding upon the respective corporations, and the ratepayers thereof absolutely.

Alteration in terms of by-law of township of Derby authorized.

2. The said company is hereby empowered to locate the second of the flag stations mentioned in clause (*c*) of the by-law of the township of Derby referred to in the said fourth section of the said Act, upon the concession line between the fourth and fifth concessions of the said township, but within two miles of the said gravel road, and upon the said company notifying the council of the said township of its intention to exercise such power, and entering into a bond with such council providing for the permanent maintenance of such flag station at the place so selected, all of the said clause (*c*) after the word "Sullivan" therein shall be considered to be complied with for all purposes whatever.

1st Session, 4th Parliament, 43 Vic., 1880.

BILL.

An Act respecting the Georgian Bay and Wellington Railway Company.

1st Reading, 1880.

(PRIVATE BILL).

Mr. HUNTER.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 52.] **BILL.** [1880.

An Act respecting the Sale of Lands for Taxes in Shuniah.

Preamble.

WHEREAS the corporation of the municipality of Shuniah have, by their petition, represented that doubts have arisen as to the power of the said municipality to sell for taxes lands in the municipality of Shuniah, and as to the collection of arrears of taxes, and it is expedient to remove such doubts;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Collection of taxes and sales for taxes in municipality of Shuniah.

1. Arrears of taxes due to the municipality of Shuniah shall be collected and managed in the same way as like arrears due to municipalities in counties, and the treasurer and reeve of such municipality shall perform the like duties in the collection and management of arrears of taxes as in counties are performed by the treasurers and wardens thereof, and the various provisions of law relating to sales of lands for arrears of taxes, or to deeds given therefor, shall apply to the said municipality and to sales of land therein for arrears of taxes due thereon, and to deeds given therefor.

Arrears in townships of McTavish and Sibley.

2. Arrears of taxes due on lands in the townships of McTavish and Sibley prior to the twenty-fourth day of March, one thousand eight hundred and seventy-four, shall be collected by the said municipality of Shuniah in the same manner as other arrears of taxes due to the said municipality; and deeds given by the treasurer and reeve of the said municipality for lands in the said townships sold for any of such arrears shall be as valid and effectual as deeds given under the first section of this Act for lands within the said municipality.

Time of sale for arrears of taxes; and advertisement of sales.

3. No sale of lands in the municipality of Shuniah, or in the said townships of McTavish and Sibley for taxes shall take place, except during the months of July, August, September or October, and the advertisement of the proposed sale which, under the one hundred and thirty-first and one hundred and thirty-second sections of the Assessment Act is required to be published in the *Ontario Gazette* and in a local newspaper, shall when lands are to be sold in the said municipality or the said township of McTavish for arrears of taxes be published also once a week, for at least four weeks in such newspaper published in the city of Toronto, as the Lieutenant-Governor in Council may designate.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting the Sale of Land for Taxes in Shuniah.

1st Reading, 1880.

(PRIVATE BILL).

Mr. HUNTER.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 53.] **BILL.** [1880

An Act to organize the Municipality of Neebing.

WHEREAS John McKellar, Peter McKellar, Edward Ingalls, P. L. Knappin, Neil McDougall, J. N. Black, Daniel McKellar, and P. J. Brown, being householders and freeholders of the municipality of Shuniah, have by their petition represented that it is desirable that certain portions of the said municipality should be withdrawn therefrom and formed into a new municipality, and have prayed that an Act may be passed for that purpose; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Limits of municipality of Neebing

1. The following townships, islands, and other lands in the district of Thunder Bay, namely: the townships of Blake, Crooks, Pardee, Paipoonge, Neebing, McKellar, and the several islands in front of any of the said townships, and also the islands by section three of the Act passed in the thirty-sixth year of the reign of Her present Majesty, and chaptered fifty, formed into "Island Ward," are hereby withdrawn from the municipality of Shuniah and organized as a separate municipality, called "The Municipality of Neebing;" and the inhabitants thereof are hereby constituted a body corporate under the name of "The Corporation of the Municipality of Neebing."

Corporate name.

Corporation to have rights of township municipalities.

2. The said corporation shall have and possess all the rights, powers, liabilities and incidents of a township municipality; and the council thereof shall have power to pass by-laws for such purposes as are provided for townships under "The Municipal Act;" and the provisions of the said Act, and of "The Assessment Act" relating to township municipalities and their officers shall apply to the municipality erected under this Act, except where inconsistent with any express provision of this Act; and the provisions of the law at any time in force respecting public schools in municipalities without county organization shall also apply to the said municipality.

Wards.

3. Every township, with the islands in front thereof within a distance of one mile, in the said municipality, shall be considered, and is hereby declared to be a ward of the said new municipality; and the islands numbered one and two at the mouth of the Kaministiquia River, with Georgina Islet in front, shall be attached to the township of McKellar, and constitute the McKellar Ward.

First election.

4. The nominations for the first election shall be held at Fort William, and the polling shall take place at such places

within the various wards, or adjacent thereto, as the stipendiary magistrate of the district of Thunder Bay shall, by his proclamation, appoint. The polling day shall not be less than two weeks nor more than six weeks from the day of nomination.

Returning officers.

5. Such persons shall act as returning officers in the various wards as the said stipendiary magistrate may in writing appoint.

One councillor to be elected for each ward.

6. The electors of each ward shall, at the first and each subsequent election, vote to elect the reeve of the municipality, and also one councillor for such ward.

Qualification of voters.

7 At the said first election every freeholder, whether resident or not, and every resident householder who has been resident in the municipality in which he tenders his vote for six months next before the election, and being a male of the full age of twenty-one years, and being rated on the assessment roll of the municipality as the owner, tenant or occupant of real property of the actual value of not less than fifty dollars, and, in case of joint owners or joint tenants or occupiers of the like value of fifty dollars for each (unless such real property shall be held as a separate and distinct division of itself, such as gores of land, islets, or village or town lots by actual survey, when it will confer the right to vote irrespective of its value,) shall be entitled to vote, provided he shall name, if required, the property on which he votes, and shall take, if required, the following oath :—

I, A. B., [*name of voter*] do solemnly swear, (*or* affirm, if the person is by law authorized to affirm in civil matters,) that I am a freeholder in the township or village of [*naming it, or if the person votes as a householder, and has been resident within the municipality in which he purposes to vote for six months next before the election,*] that I am of the full age of twenty-one years, and that I have not voted before at this election for the reeve or for councillor for this ward. So help me God. [*The person offering to vote may be required in the oath to state the property in respect of which he votes.*]

Qualification of councillors and reeve.

8. No person shall be elected as councillor for more than one ward ; and every candidate for the office of councillor shall be a householder or freeholder in the ward in which he is a candidate, to the assessed value of two hundred dollars at the least ; and each candidate for the office of reeve shall be a householder or freeholder in the municipality to the like assessed value of two hundred dollars at least.

Reeve to be elected.

9. The councillors elected for each ward shall with the reeve constitute the council of the said municipality, and the reeve shall be the head of the council, and also a justice of the peace *ex officio* for the said municipality, and for the said district of Thunder Bay.

Nominations and elections.

10. The subsequent nominations shall take place on the fourth Saturday in June, and the elections on the second Saturday in July, in each and every year, at such places within or adjacent to the respective wards as the council may appoint.

11. The said council shall have and possess all the powers and be subject to all the duties of township councils in Ontario, and the like authority in respect to taverns and shops within the municipality and the licenses therefor as the councils of townships possess under the "Liquor License Act"; and shall have power to pass by-laws for the purpose of:— Powers of council.

(1) Licensing, regulating and governing auctioneers and other persons selling or putting up for sale goods, wares, merchandise, or effects, by public auction, and for fixing the sum to be paid for such license, and the time it shall be in force; Auctioneers, etc.

(2) Licensing, regulating and governing hawkers or petty chapmen, and other persons carrying on petty trades, who have not become permanent residents in the said municipality, or who go from place to place, or to other men's houses, on foot, or with any animal bearing or drawing any goods, wares, or merchandise, for sale, or in or with any boat, vessel, or other craft, or otherwise carrying goods, wares or merchandise for sale; and for fixing a sum to be paid for a license for exercising such calling within the said municipality, and the time such license shall be in force; and for providing the Clerk of the said municipality with licenses in this and the previous subsection mentioned, for sale to parties applying for the same in the municipality under such regulations as may be prescribed in such by-law; Hawkers, etc.

(3) Licensing and regulating ferries between any two places within the said municipality, and establishing the rates of ferriage to be taken thereon; but no such by-law as to ferries shall have effect until assented to by the Lieutenant-Governor in Council; Ferries, etc.

(4) Licensing and regulating the owners of livery stables and of horses, cabs, carriages, omnibuses, and other vehicles used or kept for hire; for establishing the rates of fares to be taken by the owners or drivers thereof, and for enforcing payment of such fares. Cabs, etc.

12. The first meeting of the council shall be held at a time and place to be fixed by the stipendiary magistrate. First meeting of council.

13. The said council shall, at their first meeting, or as early as possible thereafter, appoint a clerk treasurer, and collector, who shall hold office until removed or dismissed by said council; and the said council shall also fix the remuneration to be paid said officers, by by-law to be passed for that purpose. Appointment and remuneration of clerk, treasurer and collector.

14. The said council shall, as early as convenient after their first meeting, appoint one or more assessors, who shall enter upon a roll, to be provided for that purpose, the names of all the freeholders and householders in said municipality, and the amount of all the real and personal property owned by them respectively, and the actual value thereof, at the same time entering on said roll whether the owners are resident or not; and the said assessor or assessors shall duly notify the person or persons so assessed by leaving a notice at his or her place of abode, or if a non-resident, by leaving the same at the nearest post office, stating in such notice the particulars of said assessment. Appointment of assessor. Assessment rolls.

15. The said roll shall be returned to the clerk of the municipality within such time as shall be provided for by a by-law to be passed by said council. Roll to be returned to clerk.

Appeal against assessment.

16. Any person so assessed, if he shall complain of his assessment, shall, within one month after the time fixed for returning said roll, notify in writing the clerk, of his grounds of complaint.

Council to hear and determine appeal.

17. The said council shall, within one month after the time fixed for returning the roll, appoint a time and place for the court of revision to hear said complaints, and such court shall, after hearing the parties complaining, as well as the assessor or assessors, and such evidence as may be adduced alter or amend the roll accordingly.

Appeal from court of revision.

18. An appeal may be had from the decision of the Court of Revision to the stipendiary magistrate, in the same manner as to the county judge in other municipalities and the decision of the stipendary magistrate shall be final.

Notice of appeal.

19. Notices of appeal shall in all cases of appeal to the stipendiary magistrate be left with the clerk of the municipality.

Powers of stipendiary magistrate as to appeals.

20. The stipendiary magistrate shall have the like powers and shall perform the like duties in respect of such appeals, as are performed by the county Judge in other municipalities in like cases.

Revised roll to be the roll of the municipality.

21. The said roll so finally revised, shall be taken and held as the roll of the municipality, for all purposes, until a new roll shall have been made and returned as hereinafter provided.

Council to fix time for making assessment.

22. The said council shall, by by-law, fix the time for making the assessment in the municipality at periods of not less than one nor more than three years; Provided always, that the year for the purposes of this Act shall be considered as commencing on the first day of July in each and every year.

Collector's return and powers.

23. The said council shall, by by-law, fix the time for the collector making his return, and the said collector shall have the same powers as are conferred on collectors by the Municipal Act.

Council to levy rates.

24. The council may, in each and every year after the final revision of the roll, pass a by-law for levying a rate on all the real and personal property on said roll of not more than two cents on the dollar,to provide for all the necessary expenses of said municipality; and also such further sums as may be required for public school purposes.

Mineral land how taxable.

25. Mineral land in the municipality of Neebing shall, for the purposes of muuicipal taxation, be estimated at the value placed on land in the neighbourhood held or used for agricultural or ordinary purposes.

Exemptions.

26. The following property in the said municipality shall be exempt from municipal taxation, namely: mills and establishments for mining, crushing, concentrating, smelting, extracting or treating gold or silver, copper, lead or other ores or metals, and saw mills, grist mills, and planing mills, and the machinery and plant thereof, and the revenue derived therefrom.

27. The property known as "the triangle" in the township of McKellar and the islands attached to McKellar ward, shall be exempt from all taxation in respect of the bonus or aid given by the municipality of Shuniah to the Prince Arthur's Landing and Kaministiquia Railway, and from any taxes now or hereafter payable in respect thereof.

Certain property exempt from liability under bonus to Prince Arthur's Landing and Kaministiquia Railway.

28. The said council may establish and maintain a lock-up house within the municipality, and may establish and provide for the salary or fees to be paid the constable to be placed in charge of such lock-up house: Provided always, that the appointment of said constable shall be ratified by the stipendiary magistrate of the district; and the said council shall have power to remove or suspend such constable for neglect of duty or other misconduct.

Council may establish a lock-up house.

Appointment of a constable thereto.

29. The council shall have the power to appoint one or more constables within the municipality, whose duty it shall be to enforce and maintain law and order, and who shall perform all duties appertaining to constables in Ontario; and the said council shall have the power from time to time to remove the constables for any misconduct in their office, and shall also regulate the fees to be paid said constables: Provided always that such appointment and tariff of fees shall be subject to the approval and ratification of the stipendiary magistrate of the said district.

Appointment of constables.

Removal of.

Appointments and tariff of fees to be approved by stipendiary magistrate.

30. The stipendiary magistrate shall also have the power of removing or suspending any constable for neglect of duty or other misconduct.

Power of stipendiary magistrate as to.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to organize the Municipality of Neebing.

1st Reading, , 1880.

(PRIVATE BILL.)

Mr. CROOKS.

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET.

No. 54.] **BILL.** [1880.

An Act relating to the incorporation of the Village of Chesley.

Preamble.

WHEREAS certain inhabitants and ratepayers of the village of Chesley, in the county of Bruce, by their petition represent that the by-law hereto appended was duly passed by the council of the corporation of the county of Bruce on the thirteenth day of December, in the year of our Lord one thousand eight hundred and seventy-nine, and that, under section eighty-six of chapter one hundred and seventy-four of the Revised Statutes of Ontario, the first election under a by-law erecting a locality into an incorporated village should take place on the first Monday in January next after the end of three months from the passing of the by-law by which the change was made, and that until such day the change should not go into effect; and that it would be productive of great benefit to the petitioners that the election held on the last Monday in December, in the year of our Lord one thousand eight hundred and seventy-nine, should be confirmed; and have prayed for an Act confirming the same; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law confirmed.

1. The said by-law of the county council of Bruce, a copy of which is set forth in the schedule to this Act, marked A, incorporating the village of Chesley, is hereby confirmed as if the incorporation of the said village had gone into effect on the thirteenth day of December, one thousand eight hundred and seventy-nine, and the territory described in the said by-law is from that date to be taken and considered as having been erected into an incorporated village called and to be called the village of Chesley, and the inhabitants thereof as formed into a municipal corporation by the name of "The Corporation of the Village of Chesley."

Election of reeve and councillors confirmed.

2. The election of reeve and councillors for the said village of Chesley, held, under the said by-law, on Monday, the twenty-ninth day of December, in the year one thousand eight hundred and seventy-nine, is hereby confirmed; and the reeve of the said village of Chesley, then elected, shall have a seat in the county council of Bruce for the year one thousand eight hundred and eighty.

Municipal Acts to apply, except so far as varied by this Act.

3. Except as herein specially enacted, all the provisions of the Acts passed by the Legislative Assembly of the Province of Ontario relating to municipal institutions are hereby declared

to apply to the said village, in the same manner and to the same extent in all respects, as if the said village had been incorporated under the provisions of those Acts, and such incorporation had taken place upon the said Monday in December aforesaid.

SCHEDULE A.

(Section 1.)

By-Law No. 153.

A By-Law to erect into an incorporated Village the Village of Chesley, in the Township of Elderslie.

Whereas the inhabitants of the unincorporated village of Chesley, in the township of Elderslie, in the county of Bruce, are desirous that said village should become an incorporated village; and whereas the census returns of said unincorporated village, taken under the direction of the county council of the county of Bruce, shew that the section of the said township of Elderslie intended to be included within the limits of such village, contains over seven hundred and fifty inhabitants, said return shewing nine hundred and five inhabitants; and whereas the residences of said inhabitants within the said section so applying for incorporation are sufficiently near to form an incorporated village; and whereas said inhabitants have, by their petition, signed by over one hundred resident freeholders and householders, of which over one-half are freeholders, praying that said village may be erected into an incorporated village; and whereas the county council of the county of Bruce, within the limits of which county said unincorporated village and neighbourhood are situate, is desirous of complying with the prayer of the said petition:

Be it enacted by the municipal council of the corporation of said county of Bruce, and it is hereby enacted:—

(1) That the inhabitants of Chesley and neighbourhood shall be and they are hereby constituted a corporate body politic, under the name of the corporation of the village of Chesley, and said village and neighbourhood are hereby erected into an incorporated village apart from the said township of Elderslie, in which the same is situated;

(2) The boundaries of said incorporated village shall be as follows, and said incorporated village shall include within its limits the following lands, that is to say, the lands contained within the following boundaries, that is to say, that portion of the said township of Elderslie described as follows:—The north half of lot thirty-one in the first concession; the north half of lot thirty in the first concession; the north-east quarter of lot number twenty-nine in the first concession; the whole of lot number thirty-one in the second concession; lot number thirty in the second concession; the east half of lot number twenty-nine in the second concession; lot number thirty in the third concession; the south half of lot number thirty-one in the third concession; and that part of lot number thirty-two in the second concession, on the south side of the north branch of the river Saugeen, containing by admeasurement, exclusive of streets and river, five hundred acres of land, be the same more or less;

(3) The first municipal election for said incorporated village shall be held at the Kilbourn Hall, in said village of Chesley, and Duncan M. Halliday, of said village of Chesley, gentleman, is hereby named and appointed the returning officer, who is to hold said first municipal election for said village.

(Signed) ROBERT BAIRD, *Warden.*
GEO. GOULD, *Clerk.*

Dated the 13th day of December, A.D. 1879.

I, George Gould, county clerk of the county of Bruce, hereby certify that the foregoing is a true and correct copy of the said by-law.

Witness my hand and seal of the county, the 13th day of December, A.D. 1879, at Walkerton, in the said county.

GEO. GOULD,

County Clerk of Bruce.

{ L. S. }

No. 54.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act relating to the incorporation of the Village of Chesley.

First Reading, 1880.

(PRIVATE BILL.)

Mr. SINCLAIR.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 54.] **BILL.** [1880

An Act relating to the incorporation of the Village of Chesley.

Preamble.

WHEREAS certain inhabitants and ratepayers of the village of Chesley, in the county of Bruce, by their petition represent that the by-law hereto appended was duly passed by the council of the corporation of the county of Bruce on the thirteenth day of December, in the year of our Lord one thousand eight hundred and seventy-nine, and that, under section eighty-six of chapter one hundred and seventy-four of the Revised Statutes of Ontario, the first election under a by-law erecting a locality into an incorporated village should take place on the first Monday in January next after the end of three months from the passing of the by-law by which the change was made, and that until such day the change should not go into effect; and that it would be productive of great benefit to the petitioners that the election held on the last Monday in December, in the year of our Lord one thousand eight hundred and seventy-nine, should be confirmed; and have prayed for an Act confirming the same; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law confirmed.

1. The said by-law of the county council of Bruce, a copy of which is set forth in the schedule to this Act, marked A, incorporating the village of Chesley, is hereby confirmed as if the incorporation of the said village had gone into effect on the thirteenth day of December, one thousand eight hundred and seventy-nine, and the territory described in the said by-law is *on and* from that date to be taken and considered as having been erected into an incorporated village called and to be called the village of Chesley, and the inhabitants thereof as formed into a municipal corporation by the name of "The Corporation of the Village of Chesley."

Election of reeve and councillors confirmed.

2. The election of reeve and councillors for the said village of Chesley, held, under the said by-law, on Monday, the twenty-ninth day of December, in the year one thousand eight hundred and seventy-nine, is hereby confirmed; and the reeve of the said village of Chesley, then elected, shall have a seat in the county council of Bruce for the year one thousand eight hundred and eighty.

Municipal Acts to apply, except so far as varied by this Act.

3. Except as herein specially enacted, all the provisions of *the Municipal Act and of all other general Acts in force in* the Province of Ontario relating to municipal institutions are hereby

declared to apply to the said village, in the same manner and to the same extent in all respects, as if the said village had been incorporated under the provisions of those Acts, and such incorporation had taken place upon the said Monday in December aforesaid.

SCHEDULE A.

(Section 1.)

By-Law No. 153.

A By-Law to erect into an incorporated Village the Village of Chesley, in the Township of Elderslie.

WHEREAS the inhabitants of the unincorporated village of Chesley, in the township of Elderslie, in the county of Bruce, are desirous that said village should become an incorporated village; and whereas the census returns of said unincorporated village, taken under the direction of the county council of the county of Bruce, shew that the section of the said township of Elderslie intended to be included within the limits of such village, contains over seven hundred and fifty inhabitants, said return shewing nine hundred and five inhabitants; and whereas the residences of said inhabitants within the said section so applying for incorporation are sufficiently near to form an incorporated village; and whereas said inhabitants have, by their petition, signed by over one hundred resident freeholders and householders, of which over one-half are freeholders, praying that said village may be erected into an incorporated village; and whereas the county council of the county of Bruce, within the limits of which county said unincorporated village and neighbourhood are situate, is desirous of complying with the prayer of the said petition:

Be it enacted by the municipal council of the corporation of said county of Bruce, and it is hereby enacted:—

(1) That the inhabitants of Chesley and neighbourhood shall be and they are hereby constituted a corporate body politic, under the name of the corporation of the village of Chesley, and said village and neighbourhood are hereby erected into an incorporated village apart from the said township of Elderslie, in which the same is situated;

(2) The boundaries of said incorporated village shall be as follows, and said incorporated village shall include within its limits the following lands, that is to say, the lands contained within the following boundaries, that is to say, that portion of the said township of Elderslie described as follows:—The north half of lot thirty-one in the first concession; the north half of lot thirty in the first concession; the north-east quarter of lot number twenty-nine in the first concession; the whole of lot number thirty-one in the second concession; lot number thirty in the second concession; the east half of lot number twenty-nine in the second concession; lot number thirty in the third concession; the south half of lot number thirty-one in the third concession; and that part of lot number thirty-two in the second concession, on the south side of the north branch of the river Saugeen, containing by admeasurement, exclusive of streets and river, five hundred acres of land, be the same more or less;

(3) The first municipal election for said incorporated village shall be held at the Kilbourn Hall, in said village of Chesley, and Duncan M. Halliday, of said village of Chesley, gentleman, is hereby named and appointed the returning officer, who is to hold said first municipal election for said village.

Signed ROBERT BAIRD, *Warden.*
GEO. GOULD, *Clerk.*

L. S.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act relating to the incorporation of the Village of Chesley.

(Reprinted as Amended.)

1st Reading, 22nd January, 1880.

(PRIVATE BILL.)

Mr. Sinclair.

TORONTO:
Printed by C. Blackett Robinson.

No. 55.] **BILL.** [1880.

An Act respecting the Toronto and Nipissing Railway Company.

WHEREAS the Toronto and Nipissing Railway Company have petitioned for certain amendments to their charter, and to legalize certain by-laws granting aid to said company; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The by-law numbered , passed by the corporation of the provisional county of Haliburton, entitled a by-law to aid and assist the Toronto and Nipissing Railway company, by giving thousand dollars to the said company by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the debentures and interest; and all debentures issued, or that may hereafter be issued, under said by-law, are declared legal, valid, and binding, Haliburton by-law confirmed.

2. The time for the completion of the said railway is hereby extended to the end of the year one thousand eight hundred and eighty-seven, and the said company shall be entitled to the bonus mentioned in the last preceding section, notwithstanding such extension of time or any provision in the said by-law to the contrary; and the time for the completion of any works on which the said company would, according to the terms of such by-law, be entitled to such bonus is also extended to said date. Time for completion of railway extended

3. Whereas default has been made in the payment of interest on the bonds of the said company to a very large amount; and whereas the principal of certain of the said bonds will shortly become due; and whereas the said company has lately been placed in the hands of a Receiver appointed by the Court of Chancery for this Province; and whereas there is now no power enabling the bondholders of the said company to foreclose such road in default of payment of their securities, and it is desirable to grant such power; it is hereby enacted that the holder or holders of such debentures or bonds now in arrear, as aforesaid, to the amount of not less than two hundred thousand dollars, may, on behalf of himself or themselves, and of the other holders of debentures of the said company, proceed in the said Court of Chancery for a foreclosure or sale of the said railroad and all the privileges, emoluments and appurtenances thereof, and all the rights, liberties, powers and estate of the said company in the said road, as aforesaid, and in all the privileges and Power to debenture holders to foreclose.

appurtenances thereof, and subject to the charge created in favour of the debentures of such company.

Position of purchasers and debenture holders on foreclosure or sale.

4. Upon a foreclosure the debenture holders so foreclosing, and upon a sale the purchasers, shall be and become a body corporate and politic, and shall form and constitute a new company under the same name as the present company, and shall be the shareholders of the new company; and in case of a foreclosure each debenture holder shall be the owner of one share for each one hundred dollars of principal money due to him in respect of the debentures held by him; and in case of a sale the purchasers shall be the owners of one share for each one hundred dollars of the purchase money; and the capital stock of the new company shall, in case of a foreclosure, be the amount of the principal money due in respect of the debentures of the said company, and, in case of a sale, the amount of the purchase money; and thereupon the said railway and undertaking, and all the said properties real and personal, and all the said tolls, revenues, rights, powers, privileges and franchises shall vest in the new company, and thereafter the several provisions of the various Acts relating to the present company shall apply as far as applicable to the new company.

No. 55.

1st Session, 4th Parliament, 43 Vic., 1880.

BILL.

An Act respecting the Toronto and Nipissing Railway Company.

1st Reading, 1880.

(PRIVATE BILL.)

Mr.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 56.] BILL. [1880.

An Act respecting the Victoria Railway Company.

WHEREAS the Victoria Railway Company have, by their petition, asked that the time for the completion of their railway to the River Ottawa be extended, and whereas it is expedient to grant the prayer of the said petition: Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The time for the completion of the railway of the Victoria Railway Company is hereby extended to the first day of January, one thousand eight hundred and eighty-five. Time for completion extended.

No. 56.

1st Session, 4th Parliament, 43 Vic., 1880.

BILL.

An Act respecting the Victoria Railway Company.

1st Reading, 1880.

(PRIVATE BILL).

Mr. PECK.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 57.] **BILL.** [1880.

An Act respecting the County of Dufferin.

Preamble.

WHEREAS, under and by virtue of the powers contained in an Act passed in the thirty-eighth year of the reign of Her present Majesty, and chaptered thirty-one, the reeves and deputy-reeves of the several municipalities mentioned in said Act, and the reeve of the municipality of the village of Shelbourne (a municipality formed in the proposed new county of Dufferin since the passing of the said Act), met at the town of Orangeville on the fifteenth day of July, in the year of our Lord one thousand eight hundred and seventy-nine, elected a provisional warden, and thereafter passed a by-law for the purpose of taking a vote of the qualified municipal electors, in pursuance of the provisions thereof, on the question of the separation and erection into a new county, as therein defined; and whereas said by-law was duly submitted to the qualified municipal electors of the town of Orangeville and the townships therein named, as provided by said Act, on the twelfth day of August next thereafter, and the following vote taken:

For separation	1,971
Against separation	1,430

And whereas the said provisional council did, also, in pursuance of the powers contained in said Act, on the twelfth day of December next following, submit a by-law to the municipal electors for providing means for purchasing and acquiring lands and erecting the necessary county buildings thereon at Orangeville, and the following vote was taken:

For the by-law	1,484
Against the by-law	666

And whereas the said provisional council, in obedience to the requirements of said Act, have acquired lands on which to erect the necessary county buildings, and have proceeded to erect, and are proceeding with the erection of the necessary county buildings; and whereas it is expedient to confirm the said proceedings, and to make further provision respecting the formation of the said county:

Therefore Her Majesty, by and with the consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws and proceedings confirmed.

1. The by-laws, resolutions, acts, and proceedings, and each and every of said by-laws, resolutions, acts and proceedings of the said provisional council of the said provisional county of Dufferin, are, and the same are hereby declared to be, legal, valid, binding and effectual, to all intents and purposes whatsoever,

and, upon the erection of the necessary county buildings, it shall be lawful for the Lieutenant-Governor in Council, by proclamation, to declare the said town of Orangeville, the village of Shelbourne, and the several townships of Mono, East Garafraxa, Mulmur, Melancthon and Amaranth, to be separated from the several counties of Wellington, Grey and Simcoe, of which they respectively form a part, and declare them to be formed into a new county, under the name of the county of Dufferin.

Issue of debentures authorized.

2. The provisional council of the county of Dufferin is hereby authorized to issue debentures under and according to the provisions of by-law number two of the said provisional council of Dufferin, intituled: "By-law number two, to raise by way of loan the sum of twenty thousand dollars, for purchasing and acquiring lands, and for the erection of the necessary county buildings for the county of Dufferin, and to negotiate for the sale, and to sell and dispose thereof," and the same shall be valid and binding upon the said provisional council of Dufferin, and upon the ratepayers thereof.

Provisional council.

3. From and after the passing of this Act the several reeves and deputy-reeves of the town of Orangeville, the village of Shelbourne, the townships of Melancthon, Mulmur, Mono, Amaranth, and East Garafraxa, for the year one thousand eight hundred and eighty, shall be the provisional council of the said provisional county of Dufferin, and the reeves and deputy-reeves of the said town, village and townships, for the year one thousand eight hundred and seventy-nine, shall thenceforth cease to be members of the said provisional council.

Meeting of provisional council.

4. The reeve of the said town of Orangeville shall call a meeting of the reeves and deputy-reeves of all municipalities within the said provisional county of Dufferin, to be holden at the said town of Orangeville, on the day of , in the year of our Lord one thousand eight hundred and eighty; and at such meeting the said reeve of Orangeville shall preside until a provisional warden has been elected by the council from among the members thereof.

Appointment of officers.

5. The said provisional council shall from time to time, by by-law, appoint a provisional warden and provisional treasurer, and such other provisional officers for the county as the council deems necessary. The provisional warden shall hold office for the municipal year for which he is elected; and the treasurer and other officers so appointed shall hold office until removed by the council.

Powers of councils of counties from which provisional county separated preserved.

6. The powers of the said provisional council of the said provisional county of Dufferin, shall not interfere with the powers of the councils of the several counties of which the said several municipalities form a part; and any money raised by the said provisional council of the said provisional county of Dufferin, shall be independent of any money raised in each of the said several counties.

Time for settlement of amounts due to and from the new county.

7. After the issue of the proclamation separating the said town of Orangeville, the village of Shelbourne, and the several townships in said Act mentioned from their respective counties,

the said several municipalities of the town of Orangeville, the village of Shelbourne, and the said townships, may respectively enter into agreement, with the said respective counties of which the said municipalities now form part, for the settlement of the amounts to be paid or received by the said county councils or municipalities in accordance with the provisions of section ten of the said Act.

Members of provisional council not to take part in county councils of Wellington, Grey and Simcoe in setting accounts.

8. No member of the said provisional council of the said provisional county of Dufferin, shall vote or take any part in the councils of the several counties of Wellington, Grey, and Simcoe, on any question affecting such agreement or the negotiation therefor.

Provision for settlement of differences as to apportionment of debts.

9. In case the several municipalities forming the county of Dufferin, and the several councils of the said counties within months after the said proclamation is issued, are unable to determine by agreement the several matters mentioned in said section ten of said Act, such matters shall be settled between them by arbitration, under the provisions of the municipal Act, and the county found liable shall pay to any municipality, or any municipality found liable shall pay to any county the balance or amount agreed or settled, or found to be due by such county or municipality; and such amount shall bear interest at six per centum per annum from the day on which said several municipalities are proclaimed to be separated from their said several counties and formed into the county of Dufferin, and shall be provided for like other debts by each or any of the said municipalities or councils liable therefor.

Appointment of county court judge and other officers.

10. After the proclamation declaring the erection of the said county shall have been issued, a judge may be appointed as provided for by the "British North America Act, one thousand eight hundred and sixty-seven;" and the Lieutenant-Governor, or Lieutenant-Governor in Council, as the case may be, shall appoint a sheriff, one or more coroners, a clerk of the peace, a clerk of the county court, and at least twelve justices of the peace, and shall provide in the commission or commissions that the said appointments are to take effect on the day of in the year of our Lord .

When jurisdiction of courts and officers of Wellington, Grey and Simcoe to cease.

11. After the day named in said proclamation separating said town of Orangeville, the village of Shelbourne, and the said several townships, the courts and officers of the said several counties of Wellington, Grey, and Simcoe (including the justices of the peace), shall cease to have any jurisdiction in the county of Dufferin, and the real property of the said several counties of Wellington, Grey, and Simcoe, situate in the county of Dufferin, shall become the property of the corporation of the county of Dufferin.

Officers and property of provisional county to be those of new county.

12. When the said town of Orangeville, the village of Shelbourne, and the said townships of Melancthon, Mulmur, Mono, Amaranth, and East Garafraxa are separated from their said several counties of Wellington, Grey and Simcoe, the head and members of the provisional council of the county of Dufferin, and the officers, by-laws, contracts, property, assets and liabilities of the provisional corporation of the county of Dufferin, shall be the head and members of the council, and the

officers, by-laws, contracts, property, assets and liabilities of the new corporation of Dufferin.

Completion of execution, &c., sheriffs.

13. The separation of the said town of Orangeville, the village of Shelbourne, and the said several townships from their respective counties of Wellington, Grey and Simcoe, and their formation into the county of Dufferin, shall not prevent the several sheriffs of the said several counties of Wellington, Grey and Simcoe from proceeding upon and completing the execution or service within the county of Dufferin of any writ of mesne or final process in their, or either of their hands, at the time of such separation, or of any renewal thereof, or of any subsequent or supplemental writ in same cause, or in the case of executions against lands, from executing all necessary deeds and conveyances relating to the same, and the Acts of all such sheriffs in that behalf shall be and be held and construed to be legal and valid in the same manner and to the same extent as if no separation had taken place, but no further.

Courts for county to be held at Orangeville.

14. All courts of the county of Dufferin shall be held at the town of Orangeville in said county of Dufferin.

Provisions of 38 Vic., c. 10 to remain in force.

15. The provisions of the said Act passed in the thirty eighth year of Her Majesty's reign and chaptered ten, except where inconsistent with the provisions of this Act are to remain in full force and effect.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting the County of Dufferin.

1st Reading, 1880.

(PRIVATE BILL.)

Mr. CHISHOLM.

TORONTO:

PRINTED BY C. B. ROBINSON, JORDAN STREET.

No. 57.] BILL. [1880.

An Act respecting the County of Dufferin.

Preamble.

WHEREAS, under and by virtue of the powers contained in an Act passed in the thirty-eighth year of the reign of Her present Majesty, and chaptered thirty-one, the provisional council of the proposed county of Dufferin was duly organized, transacted certain proceedings and passed certain by-laws for the organization of the said proposed county and for other matters, as required by the said Act; and whereas the said provisional council, in obedience to the requirements of said Act, have acquired lands on which to erect the necessary county buildings, and have proceeded to erect, and are proceeding with the erection of the necessary county buildings; and whereas it is expedient to confirm the said proceedings, and to make, *pursuant to the petition of the said provisional council*, further provision respecting the formation of the said county:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The by-laws, resolutions, acts, and proceedings, and each and every of *the* by-laws, resolutions, acts and proceedings of the said provisional council of the said *proposed* county of Dufferin, *hereinafter called the provisional county of Dufferin*, are, and the same are hereby declared to be, legal, valid, binding and effectual, to all intents and purposes whatsoever.

38 Vic. c. 31, s. 6 repealed.

2. Section six of the said Act passed in the thirty-eighth year of Her Majesty, and chaptered thirty-one, is hereby repealed, and the following section substituted therefor:—

Proclamation by Lieutenant-Governor in Council of formation of new county.

(6) After the necessary buildings shall have been erected as aforesaid, it shall be lawful for the Lieutenant-Governor in Council, by proclamation, to declare the said town and townships and any and all incorporated villages which previous to the issue of such proclamation shall be formed within the limits of any of the said townships, to be from a day to be named in such proclamation separated from the said counties to which they respectively belong, and declare them to be formed into a new county, under the name of the county of Dufferin, for all judicial and municipal purposes, and also for registry purposes, unless proclamation in that behalf has previously issued under the provisions of this Act; but until the issue of such proclamation the said town, townships and incorporated villages shall remain connected with the counties of which they respectively form a part for all such purposes, and notwithstanding anything to the contrary in the Municipal Act or any other Act contained, such proclamation shall name and declare the day and time upon and from which such separation shall take and have effect.

Provisional council.

3. From and after the passing of this Act the several reeves and deputy-reeves of the town of Orangeville, the village of Shelbourne, the townships of Melancthon, Mulmur, Mono, Amaranth, and East Garafraxa, for the *time being*, shall be the provisional council of the said provisional county of Dufferin.

Meeting of provisional council.

4. The reeve *for the time being* of the said town of Orangeville shall call a meeting of the reeves and deputy-reeves of all municipalities within the said provisional county of Dufferin, to be holden at the said town of Orangeville, on the *twenty-third* day of *March*, in the year ofour Lord one thousand eight hundred and eighty; and at such meeting the said reeve of Orangeville shall preside until a provisional warden has been elected by the council from among the members thereof.

Appointment of officers.

5. The said provisional council shall from time to time, by by-law, appoint a provisional treasurer, and such other provisional officers for the county as the council deems necessary. The provisional warden shall hold office for the municipal year for which he is elected; and the treasurer and other officers so appointed shall hold office until removed by the council.

Powers of councils of counties from which provisional county separated preserved.

6. The powers of the said provisional council of the said provisional county of Dufferin, shall not interfere with the powers of the councils of the several counties of which the said several municipalities form a part; and any money raised by the said provisional council of the said provisional county of Dufferin, shall be independent of any money raised in each of the said several counties.

Time for settlement of amounts to and from the new county.

7. After the issue of the proclamation, authorized by section six of the said Act passed in the thirty-eighth year of Her Majesty's reign and chaptered thirty-one as the same is amended by this Act, the several municipalities *comprised within the limits of the said county of Dufferin* may respectively enter into agreement, with the said respective counties of which the said municipalities form part, for the settlement of the amounts to be paid or received by the said county councils or municipalities in accordance with the provisions of section ten of the said Act.

Members of provisional council not to take part in county councils of Wellington, Grey and Simcoe in settling accounts.

8. No member of the said provisional council of the said provisional county of Dufferin, shall vote or take any part in the councils of the several counties of Wellington, Grey, and Simcoe, on any question affecting such agreement or the negotiation therefor.

Provision for settlement of differences as to apportionment of debts.

9. In case the several municipalities forming the county of Dufferin, and the several councils of the said counties within *six* months after the said proclamation is issued, are unable to determine by agreement the several matters mentioned in said section ten of said Act, such matters shall be settled between them by arbitration, under the provisions of the municipal Act, and the county found liable shall pay to any municipality, or any municipality found liable shall pay to any county the balance or amount agreed or settled, or found to be due by such county or municipality; and such amount shall bear interest at six per centum per annum from the day on which said several municipalities are proclaimed to be separated

from their said several counties and formed into the county of Dufferin, and shall be provided for like other debts by each or any of the said municipalities or councils liable therefor.

Appointment of county court judge and other officers.

10. After the proclamation declaring the erection of the said county shall have been issued, a judge may be appointed as provided for by the "British North America Act, 1867;" and the Lieutenant-Governor, or Lieutenant-Governor in Council, as the case may be, shall appoint a sheriff, one or more coroners, a clerk of the peace, *and county crown attorney,* a clerk of the county court, and at least twelve justices of the peace, and shall provide in the commission or commissions that the said appointments are to take effect on the *day that the said provisional county of Dufferin shall become a county.*

When jurisdiction of courts and officers of Wellington, Grey and Simcoe to cease.

11. After the day named in said proclamation the courts and officers of the said several counties of Wellington, Grey, and Simcoe (including the justices of the peace), shall cease to have any jurisdiction in the county of Dufferin.

Officers and property of provisional county to be those of new county.

12. When the said *several municipalities within the limits of the said county of Dufferin* are separated from the said several counties of Wellington, Grey and Simcoe, the head and members of the provisional council of the county of Dufferin, and the officers, by-laws, contracts, property, assets and liabilities of the provisional corporation of the county of Dufferin, shall be the head and members of the council, and the officers, by-laws, contracts, property, assets and liabilities of the new corporation of *the county of* Dufferin.

Completion of execution, &c., sheriffs.

13. The separation of the said *Municipalities within the limits of said county of Dufferin,* and their formation into the county of Dufferin, shall not prevent the several sheriffs of the said several counties of Wellington, Grey and Simcoe from proceeding upon and completing the execution or service within the county of Dufferin of any writ of mesne or final process in their, or either of their hands, at the time of such separation, or of any renewal thereof, or of any subsequent or supplemental writ in same cause, or in the case of executions against lands, from executing all necessary deeds and conveyances relating to the same, and the Acts of all such sheriffs in that behalf shall be and be held and construed to be legal and valid in the same manner and to the same extent as if no separation had taken place, but no further.

Provisions of 38 Vic., c. 10, to remain in force.

14. The provisions of the said Act passed in the thirty eighth year of Her Majesty's reign and chaptered *thirty-one,* except where inconsistent with the provisions of this Act are to remain in full force and effect.

No. 57.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting the County of Dufferin.

(*Reprinted as Amended.*)

1st Reading, 26th January, 1880.

(PRIVATE BILL.)

Mr. CHISHOLM.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 58.] BILL. [1880.

An Act respecting the City of St. Catharines.

Preamble

WHEREAS the corporation of the city of St. Catharines, by their petition, have represented that, pursuant to section forty-four of the Assessment Act of Ontario, the council of said city did, on the twenty-eighth day of October, in the year of our Lord one thousand eight hundred and seventy-eight, pass a by-law, numbered two hundred and eighty, to provide for taking the assessment for said city between the first day of July and the thirtieth day of September, in the year of our Lord one thousand eight hundred and seventy-nine, as the assessment on which the rate of taxation for the year one thousand eight hundred and eighty should be levied; and whereas the said council did, on the seventeenth day of February, in the year of our Lord one thousand eight hundred and seventy-nine, pass a certain other by-law, numbered two hundred and eighty-seven, confirming the first mentioned by-law, and further defining the manner of making the said assessment, and concluding the same; and whereas, in pursuance of the further powers contained in said section forty-four, the council of said city did, on the seventeenth day of February, in the year of our Lord one thousand eight hundred and seventy-nine, pass a certain other by-law numbered two hundred and eighty-eight, adopting the assessment made and finally revised for the year one thousand eight hundred and seventy-eight, as the basis of assessment upon which the taxes for the year one thousand eight hundred and seventy-nine should be levied, raised and collected; and whereas, after the passing of said last mentioned by-law, and pursuant thereto, a rate was struck upon the basis of the assessment of the year one thousand eight hundred and seventy-eight for the taxes for the said city for the year one thousand eight hundred and seventy-nine, and the clerk of said city duly made a collector's roll for the year one thousand eight hundred and seventy-nine, upon the basis of the said assessment roll for the year one thousand eight hundred and seventy-eight, as finally revised and amended, on appeal, by the county court judge, and the collector's roll so made was placed in the hands of the collector of taxes for said city; and whereas, under and by virtue of various Acts of the Legislature of Ontario, the said corporation has issued debentures, to the amount of four hundred and forty-two thousand three hundred and seventy-nine dollars for water-works and other local purposes, and the interest, and sinking fund, for the repayment of the same, are, by various by-laws of the said corporation, required to be levied and collected in each year; and whereas, under and by virtue of the Municipal Loan Fund Act of one thousand eight hundred and seventy-three, debentures were issued for the sum of one hundred and fifty-eight thousand six hundred and twenty-one dollars, for which the

said corporation are liable, and for the payment of which, and the accruing interest thereon, the said corporation is required to levy sufficient sums in each year; and whereas the said rate, so struck upon the basis of the assessment of the year one thousand eight hundred and seventy-eight, for the taxes for the said city for the year one thousand eight hundred and seventy-nine, includes the said sums required to meet the liabilities of the said corporation for the said debentures and for the said municipal loan fund and for the other liabilities of the said corporation for the said year one thousand eight hundred and seventy-nine; and whereas the greater portion of the taxes so levied for the year one thousand eight hundred and seventy-nine has been collected, but there still remains about twenty-three thousand dollars uncollected; and whereas a number of ratepayers of said city have taken objection to the legality of the said assessment for the year one thousand eight hundred and seventy-nine, based upon the assessment of the year one thousand eight hundred and seventy-eight, because a court of revision was not held during the year one thousand eight hundred and seventy-nine to again revise the said assessment roll of the said year one thousand eight hundred and seventy-eight, and have refused to pay their taxes, and litigation has arisen which will retard the collection of the unpaid taxes; and whereas the said petitioners have prayed for an Act to confirm and validate the said assessment for the year one thousand eight hundred and seventy-nine, so made as aforesaid, and to remove all doubts respecting the same; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Assessment roll for 1878 confirmed.

1. The said assessment roll for the city of St. Catharines, as finally revised and amended, for the year one thousand eight hundred and seventy-eight, and adopted as the basis of the assessment for the said city for the year one thousand eight hundred and seventy-nine, pursuant to the above recited by-law number two hundred and eighty-eight of said city, notwithstanding that the said roll was not revised during the year one thousand eight hundred and seventy-nine by a court of revision, and notwithstanding any defect, error, omission, or illegality affecting the said roll, or the manner of adopting the same as the basis of taxation for the year one thousand eight hundred and seventy-nine, shall be, and is hereby made, valid and binding as the assessment roll upon which the taxes for the said city of St. Catharines for the year one thousand eight hundred and seventy-nine shall be payable, and shall in all respects and for all purposes be the assessment roll for the year one thousand eight hundred and seventy-nine, as if the requirements of the Assessment Act of Ontario had in all respects been fully complied with.

Taxes levied on the roll of 1878 binding on the ratepayers.

2. The taxes levied for the year one thousand eight hundred and seventy-nine, upon the basis of the said assessment roll of the year one thousand eight hundred and seventy-eight, so adopted as aforesaid, and the collector's roll made therefrom, shall be, and are hereby declared to be, valid and binding upon the ratepayers of the said city of St. Catharines, and upon the property and land affected thereby, or set out and described in said assessment roll and collector's roll.

3. The said taxes, so levied as aforesaid, shall be payable by the ratepayers of the said city of St. Catharines named and described in the said assessment roll, and collector's roll made therefrom, and by all other persons who, by the Assessment Act of Ontario, would be liable to pay taxes and rates validly rated, as if the said taxes so rated and levied had been validly rated and levied for the said year one thousand eight hundred and seventy-nine. Taxes levied to be payable by the ratepayers.

4. The collector of taxes for the said city of St. Catharines shall, in the collection of the said taxes so rated and levied for the year one thousand eight hundred and seventy-nine, have all the powers and rights, and shall proceed in the levying and collection of the said taxes, as ordinary collectors of taxes, pursuant to the provisions of the said Assessment Act of Ontario. Powers of collector of taxes.

No. 58.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting the City of St. Catharines.

1st Reading, 1880.

(PRIVATE BILL).

Mr. NEELON.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 58.] BILL. [1880.

An Act respecting the City of St. Catharines.

Preamble

WHEREAS the corporation of the city of St. Catharines, by their petition, have represented that, pursuant to section forty-four of the Assessment Act of Ontario, the council of said city did, on the twenty-eighth day of October, in the year of our Lord one thousand eight hundred and seventy-eight, pass a by-law, numbered two hundred and eighty, to provide for taking the assessment for said city between the first day of July and the thirtieth day of September, in the year of our Lord one thousand eight hundred and seventy-nine, as the assessment on which the rate of taxation for the year one thousand eight hundred and eighty should be levied; and whereas the said council did, on the seventeenth day of February, in the year of our Lord one thousand eight hundred and seventy-nine, pass a certain other by-law, numbered two hundred and eighty-seven, confirming the first mentioned by-law, and further defining the manner of making the said assessment, and concluding the same; and whereas, in pursuance of the further powers contained in said section forty-four, the council of said city did, on the seventeenth day of February, in the year of our Lord one thousand eight hundred and seventy-nine, pass a certain other by-law numbered two hundred and eighty-eight, adopting the assessment made and finally revised for the year one thousand eight hundred and seventy-eight, as the basis of assessment upon which the taxes for the year one thousand eight hundred and seventy-nine should be levied, raised and collected; and whereas, after the passing of said last mentioned by-law, and pursuant thereto, a rate was struck upon the basis of the assessment of the year one thousand eight hundred and seventy-eight for the taxes for the said city for the year one thousand eight hundred and seventy-nine, and the clerk of said city duly made a collector's roll for the year one thousand eight hundred and seventy-nine, upon the basis of the said assessment roll for the year one thousand eight hundred and seventy-eight, *as the same had been theretofore in said last mentioned year* finally revised and amended, on appeal, by the county court judge, and the collector's roll so made was placed in the hands of the collector of taxes for said city; and whereas, under and by virtue of various Acts of the Legislature of Ontario, the said corporation has issued debentures, to the amount of four hundred and forty-two thousand three hundred and seventy-nine dollars for water-works and other local purposes, and the interest, and sinking fund, for the repayment of the same, are, by various by-laws of the said corporation, required to be levied and collected in each year; and whereas, under and by virtue of the Municipal Loan Fund Act of one thousand eight hundred and seventy-three, debentures were issued for the sum of one hundred and fifty-eight

thousand six hundred and twenty-one dollars, for which the said corporation are liable, and for the payment of which, and the accruing interest thereon, the said corporation is required to levy sufficient sums in each year; and whereas the said rate, so struck upon the basis of the assessment of the year one thousand eight hundred and seventy-eight, for the taxes for the said city for the year one thousand eight hundred and seventy-nine, includes the said sums required to meet the liabilities of the said corporation for the said debentures and for the said municipal loan fund, and for the other liabilities of the said corporation for the said year one thousand eight hundred and seventy-nine; and whereas the greater portion of the taxes so levied for the year one thousand eight hundred and seventy-nine has been collected, but there still remains about twenty-three thousand dollars uncollected; and whereas a number of ratepayers of said city have taken objection to the legality of the said assessment for the year one thousand eight hundred and seventy-nine, based upon the assessment of the year one thousand eight hundred and seventy-eight, because a court of revision was not held during the year one thousand eight hundred and seventy-nine to again revise the said assessment roll of the said year one thousand eight hundred and seventy-eight, and have refused to pay their taxes, and litigation has arisen which will retard the collection of the unpaid taxes and whereas the said petitioners have prayed for an Act to confirm and validate the said assessment for the year one thousand eight hundred and seventy-nine, so made as aforesaid, and to remove all doubts respecting the same; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Assessment roll for 1878 confirmed.

1. The said assessment roll for the city of St. Catharines, as finally revised and amended, for the year one thousand eighthundred and seventy-eight, and adopted as the basis of the assessment for the said city for the year one thousand eight hundred and seventy-nine, pursuant to the above recited by-law number two hundred and eighty-eight of said city, notwithstanding that the said roll was not revised during the year one thousand eight hundred and seventy-nine by a court of revision, and notwithstanding any defect, error, omission, or illegality affecting the said roll, or the manner of adopting the same as the basis of taxation for the year one thousand eight hundred and seventy-nine, shall, *subject to the provisions of this Act*, be valid and binding as the assessment roll upon which the taxes for the said city of St. Catharines for the year one thousand eight hundred and seventy-nine shall be payable, and shall in all respects and for all purposes be the assessment roll for the year one thousand eight hundred and seventy-nine, as if the requirements of the Assessment Act of Ontario had in all respects been fully complied with.

Taxes levied on the roll of 1878 binding on the ratepayers.

2. The taxes levied for the year one thousand eight hundred and seventy-nine, upon the basis of the said assessment roll of the year one thousand eight hundred and seventy-eight, so adopted as aforesaid, and the collector's roll made therefrom, shall, *subject as aforesaid*, be valid and binding upon the ratepayers of the said city of St. Catharines, and upon the property

and land affected thereby, or set out and described in said assessment roll and collector's roll.

Taxes levied to be payable by the ratepayers.

3. The said taxes, so levied as aforesaid, shall, *subject as aforesaid*, be payable by the ratepayers of the said city of St. Catharines named and described in the said assessment roll, and collector's roll made therefrom, and by all other persons who, by the Assessment Act of Ontario, would be liable to pay taxes and rates validly rated, as if the said taxes so rated and levied had been validly rated and levied for the said year one thousand eight hundred and seventy-nine.

Powers of collector of taxes.

4. *Subject as aforesaid*, the collector of taxes for the said city of St. Catharines shall, in the collection of the said taxes so rated and levied for the year one thousand eight hundred and seventy-nine, have all the powers and rights, and shall proceed in the levying and collection of the said taxes, as ordinary collectors of taxes, pursuant to the provisions of the said Assessment Act of Ontario.

Court of revision to be appointed.

5. Notwithstanding anything contained in this Act it shall be the duty of the council of said city and they are hereby required to appoint a court of revision in manner prescribed by the Assessment Act of Ontario not later than one month after the passing of this Act, of which due notice shall be given by the clerk of said city by advertisement for at least fourteen days continuously in some newspaper in said city, which shall be a sufficient notice to all parties concerned, for the purpose of hearing all complaints in regard to persons wrongfully placed upon or omitted from said assessment roll, or assessed too high or too low, and such court shall have all the powers of, and shall be conducted in the same manner as ordinary courts of revision in respect of appeals from said assessment roll, and any person complaining of an error or omission in said roll in regard to himself or any other person as having been inserted thereon or omitted therefrom or as being overcharged or undercharged, shall give to the clerk of said city notice in writing at least four days before the sitting of said court of revision of the cause of complaint, and the said court shall determine the matter complained of and confirm and amend the roll accordingly.

Powers of courts.

Appeal from court of revision.

6. An appeal shall lie to the county judge against the decisions of the said court of revision and also against the omission, neglect or refusal of said court to hear and determine an appeal, and the person appealing shall notify the clerk of the said city in the same manner and within the same time as is prescribed by the Assessment Act of Ontario, and all proceedings shall be had and taken in respect of such appeals to the county judge as is in said Assessment Act directed, and the said judge shall hear and determine said appeals, and have all the powers conferred by said Act in respect of appeals to the county judge from ordinary assessments.

Time within which revision to be completed.

7. All the duties of the said court of revision which relate to the matters aforesaid shall be completed and the said assessment roll finally revised by the said county judge within two months next after the passing of this Act, and the said assessment roll as amended by the said court of revision

and certified as amended by the clerk of said city shall, except in so far as the same may be further amended on appeal by the county judge, be valid and binding on all parties concerned notwithstanding any defect or error committed in or with regard to such roll; and the collector's roll made therefrom shall be amended in so far as the same shall be rendered necessary by the amendments of said assessment roll; and no proceeding shall be taken to enforce the collection of taxes levied under said assessment roll until after the sitting of the said court of revision and the revision of the said roll by the county judge.

Roll to be binding if no complaints made within time limited.

8. In case no complaints in writing as aforesaid are made or given as aforesaid to the said clerk of the said city within the time aforesaid, the said court of revision shall certify the same on the said assessment roll, and thereupon the said assessment roll shall stand confirmed in all respects and be valid and binding as provided by this Act.

Pending suits stayed on payment of costs

9. All actions, suits or other proceedings now pending in any of the courts of this Province impeaching or affecting the validity of the said assessment roll and the said taxes levied thereunder for the year one thousand eight hundred and seventy-nine shall be stayed on the payment by the said corporation to the plaintiffs, in any such action, suit or proceeding, of the costs of the said action, suit or other proceeding in the said courts, such costs to be taxed by the proper taxing officer of the court in which the said action, suit or other proceeding may be pending.

No. 58.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting the City of St. Catharines.

(*Reprinted as Amended.*)

First Reading, 23rd January, 1880.

(*PRIVATE BILL.*)

Mr. NEELON.

TORONTO:

PRINTED BY C. B. ROBINSON, JORDAN STREET.

No. 59.] BILL. [1880.

An Act to revive and amend the Act incorporating the Port Stanley, Strathroy and Port Franks Railway Company.

Preamble

WHEREAS, by an Act passed in the thirty-eighth year of Her Majesty's reign, and chaptered fifty-four, incorporating "The Port Stanley, Strathroy and Port Franks Railway Company," it is provided that the charter shall be forfeited so far as relates to so much of the railway as may not be completed within five years after the passing of the said Act; and whereas the said company has represented by its petition that since the passing of the said Act they were unable to complete said railway owing to the inability of the Canada Southern Railway Company to carry out certain promises made by said Canada Southern Railway Company to them, and that the said company have good grounds for believing that within a few months they will be able to make arrangements with the Grand Trunk Railway Company for building a portion of their railway, and praying that the said Act may be revived and amended, and the time for the commencement and completion of said railway may be respectively extended for two years and five years from the day of the passing of this Act; and it is expedient to grant the prayer of said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Acts respecting railway revived and time extended.

1. The Act passed by the Legislature of Ontario, in the thirty-eighth year of the reign of Her Majesty Queen Victoria, and chaptered fifty-four, intituled "An Act to incorporate the Port Stanley, Strathroy and Port Franks Railway Company," and the Act amending the same, are hereby revived and declared to be in full force and effect, and the time therein limited for the commencement and completion of the railway authorized to be constructed from Port Stanley to Port Franks is hereby respectively extended for the period of two years and five years from the passing of this Act.

Sec. 12 of 38 Vic., c. 54, amended.

2. The twelfth section of the said Act is hereby amended by striking out the words "one hundred" in the first line, and inserting the word "fifty" in lieu thereof.

No. 59.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to revive and amend the Act incorporating the Port Stanley, Strathroy and Port Franks Railway Company.

First Reading, 1880.

(*PRIVATE BILL.*)

Mr. WATTERWORTH.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 59.] **BILL.** [1880.

An Act to revive and amend the Act incorporating the Port Stanley, Strathroy and Port Franks Railway Company.

Preamble

WHEREAS, by an Act passed in the thirty-eighth year of Her Majesty's reign, and chaptered fifty-four, incorporating "The Port Stanley, Strathroy and Port Franks Railway Company," it is provided that the charter shall be forfeited so far as relates to so much of the railway as may not be completed within five years after the passing of the said Act; and whereas the said company has represented by its petition that since the passing of the said Act they were unable to complete said railway owing to the inability of the Canada Southern Railway Company to carry out certain promises made by said Canada Southern Railway Company to them, and that the said company have good grounds for believing that within a few months they will be able to make arrangements with the Grand Trunk Railway Company for building a portion of their railway, and prayed that the said Act may be revived and amended, and the time for the commencement and completion of said railway may be respectively extended for two years and five years from the day of the passing of this Act; and it is expedient to grant the prayer of said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Acts respecting railway revived and time extended.

1. The Act passed by the Legislature of Ontario, in the thirty-eighth year of the reign of Her Majesty Queen Victoria, and chaptered fifty-four, intituled "An Act to incorporate the Port Stanley, Strathroy and Port Franks Railway Company," and the Act amending the same, are hereby revived and declared to be in full force and effect, and the time therein limited for the commencement and completion of the railway authorized to be constructed from Port Stanley to Port Franks is hereby respectively extended for the period of two years and five years from the passing of this Act; ☞Provided always that the powers conferred by the said Acts, or either of them, to group municipalities or parts of municipalities together, for the purpose of obtaining a bonus therefrom, are hereby repealed.☜

Proviso.

Sec. 12 of 38 Vic., c. 54, amended.

2. The twelfth section of the said Act is hereby amended by striking out the words "one hundred" in the first line, and inserting the word "fifty" in lieu thereof.

No. 59.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to revive and amend the Act incorporating the Port Stanley, Strathroy and Port Franks Railway Company.

(*Reprinted as Amended.*)

1st Reading, 23rd January, 1880.

(PRIVATE BILL.)

Mr. WATERWORTH.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 60.] BILL. [1880.

An Act respecting the Agricultural College.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

School of Agriculture continued. Site. Name.

1. The School of Agriculture, heretofore established in the county of Wellington, in this Province, for instruction in the theory and practice of agriculture, and the conducting of experiments relating thereto, is hereby continued, at its present site, under the name of the "Ontario Agricultural College and Experimental Farm."

Nature of Instruction.

2. The said college shall be furnished with all appliances, such as land, buildings, implements, tools and apparatus generally, as may be necessary for theoretical and practical education in agriculture, horticulture and arboriculture, and the course of instruction therein shall be with reference to the following subjects:—

(1). The theory and practice of agriculture.

(2). The theory and practice of horticulture.

(3). The theory and practice of arboriculture.

(4). The elements of the various sciences, especially chemistry, (theoretical and practical), applicable to agriculture and horticulture.

(5). The technical English and mathematical branches requisite for an intelligent and successful performance of the business of agriculture and horticulture.

Nature of Instruction.

(6). The anatomy, physiology, and pathology, of the ordinary farm animals; with the characteristics of the different varieties of each kind; with the management thereof in the breeding, raising, fattening, and marketing of each, and with a knowledge of the cheese and butter factory system closely related thereto.

(7). The principles of construction and skilful use of the different varieties of buildings, fences, drainage systems, and other permanent improvements, machinery, implements, tools and appliances necessary in agricultural and horticultural pursuits.

(8). And such further subjects as will promote a knowledge of the theory and practice of agriculture and horticulture.

Practical Education insisted upon.

3. The education and instruction shall be at once theoretical and practical, the former known as a course of study and the latter as a course of apprenticeship; and a time, not less than three and not more than five hours daily, on an yearly average, shall be spent in undergoing the latter, and for the encouragement of such labours, an allowance in part liquidation of expenses may be made; yet, notwithstanding, the course of ap-

prenticeship may be dispensed with, if a satisfactory examination be previously passed in all the operations therein acquired.

Nature of Experiments.

4. Experiments with the different varieties of cereals, grasses, and roots; of trees, plants, shrubs, flowers, and fruits; with different modes of cultivation; with different manures; with the breeding, raising, and fattening of animals; with the products of the dairy, and withwhatsoever else may be of practical benefit in adding to the knowledge of the facts, principles, and laws of the science and art of agriculture, horticulture and arboriculture under the climatic conditions of this province, shall be carried out on the Experimental Farm; and the modes of procedure and results published from time to time.

Publication of procedure and results.

Rules, regulations and Curriculum of the College.

5. The government of the college shall be under and according to such rules and regulations as the Lieutenant-Governor in Council may from time to time prescribe; and such rules and regulations shall contain provisions for the standard and mode of admission, the course of study and apprenticeship in each branch in which instruction is given, and may authorize diplomas, certificates of proficiency, scholarships, or other rewards to be given, after examination, in any of such subjects; and may also impose reasonable fees for attendance.

Appointments to be made by the Lieutenant-Governor in Council.

6. The Lieutenant-Governor in Council may from time to time appoint such professors, instructors, officers, assistants, and servants as the Lieutenant-Governor in Council may deem necessary for the efficient working of said college, and the promotion of its usefulness, and may pass by-laws regulating and prescribing their respective duties.

Sessions, terms and vacations.

7. There shall be two sessions in each year, and two terms in each session; the winter session shall open on the first day of October, and close on the thirty-first day of March; the summer session shall open on the sixteenth day of April, and close on the thirty-first day of August; and the time between the closing and opening of the respective sessions shall constitute the regular vacations.

Affiliation of the College with the University of Toronto.

8. The Lieutenant-Governor in Council may affiliate the said College with the University of Toronto, but only to the extent of enabling the students of the said college to obtain at the examinations of the said university such rewards, honours, standing, scholarships, diplomas and degrees in agriculture as the said university, under its statutes and the Acts of the Legislature in that behalf, may be allowed to confer.

Museum and Laboratory.

9. In connection with the college there shall be a museum of agriculture and horticulture, together with the scientific and technical branches related thereto, in order to afford aids to practical instruction, and illustrations of the agricultural and horticultural products of the province; as well as a botanical and chemical laboratory to which vendors of seeds and artificial manures may send such seeds and manures, in order that after the proper inspection and tests their purity and strength may be reported for the benefit and protection of the agricultural community.

Gifts, bequests, &c., to

10. It shall be lawful for the Lieutenant-Governor in Council on behalf of the Province to accept, hold and enjoy an

gifts, bequests, or devises of personal or real property or effects which any person may think fit to make for the purposes of the said college, museum or laboratory. College, Museum or Laboratory.

11. The Lieutenant-Governor in Council may make such regulations as may be deemed expedient touching the moral conduct of the students, and their attendance on public worship in their respective churches or other places of religious worship, and respecting their religious instruction by their respective ministers, according to their respective form of religious faith, and every facility shall be afforded for such purposes. No religious test or profession required; but all facilities given for acquiring religious training.

12. Full reports of the progress of the said college and farm shall be annually returned and submitted to the Legislative Assembly, which reports shall, amongst other things, contain:— Reports and returns to the Legislative Assembly.

(1.) A tabular statement with the name and residence of each student attending in each session of the year, together with the name, residence and occupation of the parent or guardian, the number of classes that each student attended, and his progress and efficiency therein.

(2.) A return of the professors, instructors and assistants, with a summary of the instruction given by each.

(3.) A copy of the examination papers used in the sessional examinations, and the results thereof.

(4.) A summary of the operations in the various departments of the farm.

(5.) A clear and succinct account of the modes of proceedure and results of the various experiments carried on during the year.

(6.) A detailed statement of the income and expenditure of the college and farm for the year.

(7.) A copy of all rules and regulations made during the year by the Lieutenant-Governor in Council, regarding the standard and mode of admission, the course of study and the course of apprenticeship.

(8.) A comparative statement shewing the progress of the college and farm from year to year.

13. The President and the Professor of Agriculture of the said School shall be members *ex officio* of the Council of the Agricultural and Arts Association.

1st Session, 4th Parliament, 43 Vic., 1880.

BILL.

An Act respecting the Agricultural College.

1st Reading, 1880.

Mr. Wood.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 60] BILL. [1880.

An Act respecting the Agricultural College.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

School of Agriculture continued.

1. The School of Agriculture, heretofore established in the county of Wellington, in this Province, for instruction in the theory and practice of agriculture, *horticulture and arboriculture*, and the conducting of experiments relating thereto, is hereby continued, at its present site, under the name of the "Ontario Agricultural College and Experimental Farm."

Site.

Name.

Nature of Instruction.

2. The said college shall be furnished with all appliances, such as land, buildings, implements, tools and apparatus generally, as may be necessary for theoretical and practical education in agriculture, horticulture and arboriculture, and the course of instruction therein shall be with reference to the following subjects:—

(1) The theory and practice of agriculture;

(2) The theory and practice of horticulture;

(3) The theory and practice of arboriculture;

(4) The elements of the various sciences, especially chemistry, (theoretical and practical), applicable to agriculture and horticulture;

(5) The technical English and mathematical branches requisite for an intelligent and successful performance of the business of agriculture and horticulture;

(6) The anatomy, physiology, and pathology, of the ordinary farm animals; with the characteristics of the different varieties of each kind; with the management thereof in the breeding, raising, fattening, and marketing of each, and with a knowledge of the cheese and butter factory systems;

(7) The principles of construction and skilful use of the different varities of buildings, fences, drainage systems, and other permanent improvements, machinery, implements, tools and appliances necessary in agricultural and horticultural pursuits;

(8) And such *other* further subjects as will promote a knowledge of the theory and practice of agriculture, horticulture *and arboriculture.*

Practical Education insisted upon.

3. The education and instruction shall be at once theoretical and practical, the former known as a course of study and the latter as a course of apprenticeship; and a time, not less than three and not more than five hours daily, on a yearly average, shall be spent in undergoing the latter, and for the encouragement of such labours, an allowance in part liquidation of expenses may be made; yet, notwithstanding, the course of ap-

prenticeship may be dispensed with, if a satisfactory examination be previously passed in all the operations therein required.

Nature of Experiments.

4. Experiments with the different varieties of cereals, grasses, and roots; of trees, plants, shrubs, flowers, and fruits; with different modes of cultivation; with different manures; with the breeding, raising, and fattening of animals; with the products of the dairy; and with whatsoever else may be of practical benefit in adding to the knowledge of the facts, principles, and laws of the science and art of agriculture, horticulture, and arboriculture under the climatic conditions of this Province, shall be carried out on the experimental farm; and the modes of procedure and results published from time to time.

Publication of procedure and results.

Rules, regulations and curriculum of the College.

5. The government of the college shall be under and according to such rules and regulations as the Lieutenant-Governor in Council may from time to time prescribe; and such rules and regulations shall contain provisions for the standard and mode of admission, the course of study, and apprenticeship in each branch in which instruction is given, and may authorize diplomas, certificates of proficiency, scholarships, or other rewards to be given, after examination, in any of such subjects; and may also impose reasonable fees for attendance.

Appointments to be made by the Lieutenant-Governor in Council.

6. The Lieutenant-Governor in Council may from time to time appoint *a president and* such professors, instructors, officers, assistants, and servants as the Lieutenant-Governor in Council may deem necessary for the efficient working of said college, and the promotion of its usefulness, and may pass by-laws regulating and prescribing their respective duties.

Sessions, terms and vacations.

7. There shall be two sessions in each year, and two terms in each session; the winter session shall open on the first day of October, and close on the thirty-first day of March; the summer session shall open on the sixteenth day of April, and close on the thirty-first day of August; and the time between the closing and opening of the respective sessions shall constitute the regular vacations.

Affiliation of the College with the University of Toronto.

8. The Lieutenant-Governor in Council may *agree with the University of Toronto for the affiliation of the said College with the said University*, but only to the extent of enabling the students of the said college to obtain at the examinations of the said university such rewards, honours, standing, scholarships, diplomas and degrees in agriculture as the said university, under its statutes and the Acts of the Legislature in that behalf, may be allowed to confer.

Museum and Laboratory.

9. In connection with the college there shall be a museum of agriculture and horticulture, together with the scientific and technical branches relating thereto, in order to afford aids to practical instruction, and illustrations of the agricultural and horticultural products of the Province; as well as a botanical and chemical laboratory to which vendors of seeds and artificial manures may send such seeds and manures, in order that after the proper inspection and tests their purity and strength may be reported for the benefit and protection of the agricultural community.

10. It shall be lawful for the Lieutenant-Governor in Council on behalf of the Province to accept, hold and enjoy any gifts, bequests, or devises of personal or real property or effects which any person may think fit to make for the purposes of the said college, museum or laboratory. Gifts, bequests, &c., to College, Museum or Laboratory.

11. The Lieutenant-Governor in Council may make such regulations as may be deemed expedient touching the conduct of the students, and their attendance on public worship in their respective churches or other places of religious worship, and respecting their religious instruction by their respective ministers, according to their respective forms of religious faith, and every facility shall be afforded for such purposes. No religious test or profession required; but all facilities given for acquiring religious training.

12. Full reports of the progress of the said college and farm shall be annually returned and submitted to the Legislative Assembly, which reports shall, amongst other things, contain:— Reports and returns to the Legislative Assembly.

(1) A tabular statement with the name and residence of each student attending in each session of the year, together with the name, residence and occupation of the parent or guardian, the number of classes that each student attended, and his progress and efficiency therein;

(2) A return of the professors, instructors and assistants, with a summary of the instruction given by each;

(3) A copy of the examination papers used in the sessional examinations, and the results thereof;

(4) A summary of the operations in the various departments of the farm;

(5) A clear and succinct account of the modes of procedure and results of the various experiments carried on during the year;

(6) A detailed statement of the income and expenditure of the college and farm for the year;

(7) A copy of all rules and regulations made during the year by the Lieutenant-Governor in Council, regarding the standard and mode of admission, the course of study and the course of apprenticeship;

(8) A comparative statement shewing the progress of the college and farm from year to year.

No. 60.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting the Agricultural College.

(*Reprinted as Amended*).

First Reading, 14th January, 1880.
Second " 27th " 1880.

Mr. Wood.

TORONTO:
Printed by C. Blackett Robinson.

No. 61.] **BILL.** [1880.

An Act to amend the Municipal Law.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Section thirty-three of an Act passed in the forty-second year of Her Majesty's Reign, entitled "An Act to amend the Municipal Law," and chaptered thirty-one, is hereby repealed, and the following section substituted therefor.

Court for equalization of assessments.

33. Appeals in respect of the equalization of assessments shall hereafter be made to the county judge jointly with two other associate county judges of counties adjacent to the county wherein proceedings are being had, except as hereinafter provided where there is a junior judge, and they shall constitute a court for that purpose. Immediately upon receipt of a notice of appeal as hereinafter provided, the county judge shall select the associate judges.

Mode of appeal.

(2) Where any local municipality is dissatisfied with the action of a county council in increasing or decreasing, or refusing to increase or decrease, the valuation of any municipality, the municipality so dissatisfied may appeal from the decision of the council at any time within ten days after such decision. Such appeal shall be by a notice in writing under the seal of the municipality to be delivered to the county judge and to the clerk of the county court, either personally or left at his residence, office or place of business.

Time and manner of hearing appeal.

(3) The county judge shall, as soon as convenient, appoint a day for hearing the appeal, such day not being later than ten days from the receipt of such notice of appeal, and the court may at such time proceed to hear and determine the matter of appeal, either with or without the evidence of witnesses, or with such evidence as they may decide upon having, and may examine witnesses under oath or otherwise, and may adjourn the hearing from time to time ; but (except as provided in sections forty-four and forty-six of the Assessment Act, chaptered one hundred and eighty of the Revised Statutes) the hearing shall not be adjourned or judgment deferred beyond the first day of August, next after the last served notice of the appeal ; and the court shall equalize the whole assessment of the county.

Quorum.

(4) Any two members of such court shall constitute a quorum.

(5) There shall be paid to each of the associate judges, coming from an adjacent county, out of the funds of the county, ten dollars for each day of the sitting of the court at which he is present, and his travelling expenses.

(6) In counties where there is a junior judge, he shall be one of the associate judges, and the county judge shall only be required to select one other associate.

No. 61.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the Municipal Law.

1st Reading, 13th January, 1880.

Mr. CALVIN.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 62.] BILL. [1880.

An Act to amend the Division Courts Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

In cities in which there are two Division Courts, the Courts may be held and the offices kept in one Division.

1. For and notwithstanding anything contained in chapter forty-seven of the Revised Statutes of Ontario, or any amendment thereof, or any of the general rules in force in the Division Courts of this Province, the senior or the acting County Judge may in his discretion, in any city in which two Division Courts are established or held, appoint and hold all or any of the sittings of both of such Courts in any of such Divisions, and such senior or acting County Judge, may with the approval of the Lieutenant-Governor in Council, authorize and permit both of the Clerks of such Courts, to have and keep their offices within the same Division in such city.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the Division Courts Act.

1st Reading, 13th January, 1880.

Mr. GIBSON, *(Hamilton).*

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET.

No. 63.] **BILL.** [1880.

An Act for consolidating the Superior Courts of Law and Equity; establishing a uniform system of pleading and practice therein; and making further provision for the due Administration of Justice.

(*See* Imp. Act 36 & 37 Vic., c. 66 [1873.] "Supreme Court of Judicature Act."
Imp. Act 38 & 39 Vic., c. 77 [1875], amending same.
Imp. Act 40 Vic., c. 9 [1877], ditto.
Imp. Act 39 & 40 Vic., c. 59, (The Appellate Jurisdiction Act, 1876.)
R. S. O. cc. 38, 39, 40, 41, 49, 50 & 51.)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "The Ontario Judicature Act, 1880." Short title.

2. This Act, except any provision thereof which is declared to take effect on the passing of this Act, shall commence and come into operation on the day of (*See* Imp. Act of 1873, s. 2.) Commencement of Act.

PART I.

CONSTITUTION AND JUDGES OF SUPREME COURT.

3. From and after the time appointed for the commencement of this Act, the several Courts hereinafter mentioned (that is to say) the Court of Appeal, the Court of Queen's Bench, the Court of Chancery, and the Court of Common Pleas, shall be united and consolidated together, and shall constitute, under and subject to the provisions of this Act, one Supreme Court of Judicature for Ontario. (*See* Imp. Act of 1873, s. 3.) Union of existing Courts into one Supreme Court.

NOTE.—The prefix "See" or "Comp." in the references, denotes that the section, order, or rule referred to, is not identical with the section, order, or rule in this Bill; the difference being sometimes material, though in most instances otherwise.

"R. S. O." denotes Revised Statutes of Ontario.

"R. S. C., 1875," or "R. S. C." alone, denote the Rules of the Supreme Court contained in the Schedule to the Imperial Act of 1875, c. 77.

"R. S. C." with any other date than simply the year 1875, denotes the Rules of the Supreme Court subsequent to the Act of 1875, issued by the Judges of the Supreme Court under the authority of that Act.

"G. O. Chy." denotes the General Orders of the Court of Chancery for Ontario.

Division of Supreme Court.

4. The said Court shall consist of two permanent divisions, one of which shall be called "The High Court of Justice for Ontario," and the other shall be called "The Court of Appeal for Ontario." (*See* Imp. Act of 1873, s. 4.)

Seal of Court.

5. The Lieutenant-Governor in Council may from time to time, determine and declare the seal to be used in the Supreme Court and by which its proceedings shall be certified and authenticated; and until there is a seal for the Supreme Court the seals now in use in and for the existing Courts may be used in and for the respective Divisions of the High Court, and in and for the Court of Appeal respectively. (*See* R. S. O. c. 40, s. 3.)

Constitution of High Court

6. The High Court of Justice shall be constituted as follows The first Judges thereof shall be the Chancellor, the Chief Justice of the Queen's Bench, the Chief Justice of the Common Pleas, the Vice-Chancellors of the Court of Chancery, and the Puisne Justices of the Courts of Queen's Bench and Common Pleas respectively (*See* Imp. Act of 1873, s. 5.)

Appointment of Judges.

7. Subject to the provisions hereinafter contained, whenever the office of a Judge of the said High Court becomes vacant, a new Judge may be appointed thereto by His Excellency the Governor-General. (*See* B. N. A. Act, s. 96.)

Qualification of the Chief Justice and Chancellor.

8. All persons hereafter appointed to fill the places of the Chief Justice of the Queen's Bench, the Chancellor of Ontario, and the Chief Justice of the Common Pleas, and their successors respectively, shall continue to be appointed to the same respective offices, by the same respective titles, and from the same class of barristers, and in the same manner, respectively, as heretofore. (*See* Imp. Act of 1873, s. 5, and R. S. O. c. 39, s. 8.)

Qualification of Judges.

9. Every Judge appointed to fill the place of any other Judge of the said High Court of Justice is to be appointed from the same class of barristers, and in the same manner as the Puisne Justices and Vice Chancellors of the Superior Courts of Ontario, have been heretofore appointed. (*See* Imp. Act of 1873, s, 5, and R. S. O. c. 39, S. 8.)

Oaths of Office.

10. The oaths to be taken by the Judges of the High Court of Justice and of the Court of Appeal, respectively, shall be the same as heretofore required to be taken by the Judges of the said Superior Courts respectively. (*See* Imp. Act of 1875, s. 5; R. S. O. c. 38, s. 7; c. 39, s. 9; c. 40, s. 7.)

Authority and title of Judges.

11. Save as in this Act is otherwise expressly provided, all the Judges of the said Court shall have in all respects equal power, authority, and jurisdiction; and the said Judges (other than the Presidents of Divisions) shall be styled, "Justices of the High Court." (*See* Imp. Act of 1873, s. 5, and Act of 1877, c. 9, s. 4.)

President of High Court.

12. The present Chancellor of Ontario, being at the time of the passing of this Act entitled to precedence over the present Chief Justices of the Queen's Bench and Common Pleas, shall be the first President of the High Court of Justice; and on his

ceasing to hold the office of Chancellor, the President of the said High Court shall be that one of the Presidents of the Queen's Bench, Chancery and Common Pleas Divisions who, for the time being, is first in order of seniority. (*See* Imp. Act of 1875, s. 6; R. S. O. c. 38, sub-s. 2.)

Existing Court of Appeal, continued.

13. The Court of Appeal for Ontario, at present existing, is continued under the name aforesaid, and shall, as heretofore, consist of a Chief Justice, to be called the Chief Justice of Ontario, and three ordinary Judges, to be called Justices of Appeal, as in the Act respecting the Court of Appeal, R. S. O. cap. 38, mentioned; and the Justices of the High Court shall be *ex officio* Judges of the Court of Appeal, for the same purposes and with the same duties and powers as by the said Act is provided with respect to the Judges of the Courts of Queen's Bench, Chancery, and Common Pleas.

Saving of rights and obligations of existing Judges.

14. Every existing Judge is, as to the tenure of office, title, and all other privileges and disqualifications, to remain in the same condition as if this Act had not passed; and, subject to the change effected in their jurisdiction and duties by or in pursuance of the provisions of this Act, each of the said existing Judges shall be capable of performing and liable to perform all duties which he would have been capable of performing or liable to perform if this Act had not passed. (*See* Imp. Act of 1873, s. 11.)

Provision for extraordinary duties of Judges of the former Courts.

15. If, in any case not expressly provided for by this Act, a liability to any duty, or any authority or power, not incident to the administration of justice in any Court whose jurisdiction is transferred by this Act to the High Court of Justice, shall have been imposed or conferred by any statute or law upon the Judges or any Judge of any of such Courts, save as hereinafter mentioned, every Judge of the said High Court shall be capable of performing and exercising, and shall be liable to perform and empowered to exercise, every such duty, authority and power, in the same manner as if this Act had not passed, and as if he had been duly appointed the successor of a Judge liable to such duty, or possessing such authority or power, before the passing of this Act. (*See* Imp. Act of 1873, s. 12.)

Extraordinary duties of the Chief Justice and the Chancellor.

16. Any such duty, authority, or power, imposed or conferred in any such case as aforesaid, upon the Chief Justice of Ontario, the Chancellor, the Chief Justice of the Queen's Bench, or the Chief Justice of the Common Pleas, shall continue to be performed and exercised by them respectively, and by their respective successors, in the same manner as if this Act had not passed. (*See* Imp. Act of 1873, s. 12.)

PART II.

JURISDICTION AND LAW.

High Court.

Jurisdiction of High Court of Justice.

17. The High Court of Justice shall be a Superior Court of Record, and, subject as in this Act mentioned, shall have the

jurisdiction which, at the commencement of this Act, was vested in, or capable of being exercised by, the Court of Queen's Bench, the Court of Chancery, the Court of Common Pleas, and the Courts of Assize, of Oyer and Terminer, and of Gaol Delivery (whether created by Commission or otherwise). (*See* Imp. Act of 1873, s. 16.)

This Act not to apply to criminal matters.

18. Nothing in this Act, or in the schedules thereto, affects or is intended to affect the procedure in criminal matters.

Jurisdiction of High Court.

19. The jurisdiction by this Act given to the High Court of Justice shall include (subject to the exceptions hereinafter contained) the jurisdiction which, at the commencement of this Act, was vested in, or capable of being exercised by, all or any one or more of the Judges of the said Courts, respectively, sitting in Court or Chambers, or elsewhere, when acting as Judges or a Judge in pursuance of any statute or law; and all powers given to any such Court, or to any such Judges or Judge, by any statute; and also all ministerial powers, duties, and authorities, incident to any and every part of the jurisdiction so transferred. (*See* Imp. Act of 1873, s. 16.)

Transfer of pending business.

20. From and after the commencement of this Act the several jurisdictions which by this Act are vested in the said High Court of Justice, shall cease to be exercised except by the said High Court of Justice as provided by this Act, except as otherwise in this Act expressly directed. (*See* section 94, *post*, &c.; Imp. Act of 1873, s. 22.)

Provision as to pending business.

21. In all causes, matters, and proceedings whatsoever (save as aforesaid), which shall have been fully heard, and in which judgment shall not have been given, or having been given shall not have been signed, drawn up, passed, entered, or otherwise perfected at the time appointed for the commencement of this Act, such judgment, decree, rule, or order may be given or made, signed, drawn up, passed, entered, or perfected respectively, after the commencement of this Act, in the name of the same Court, and by the same judges and officers, and generally in the same manner, in all respects as if this Act had not passed; and the same shall take effect, to all intents and purposes, as if the same had been duly perfected before the commencement of this Act. (*See* Imp. Act of 1873, s. 22.)

Enforcing judgments obtained before commencement of Act.

22. Every judgment, decree, rule, or order of any Court whose jurisdiction is hereby vested in the High Court of Justice, which shall have been duly perfected at any time before the commencement of this Act, may be executed and enforced, and, if necessary, amended or discharged, by the High Court of Justice, in the same manner as if it had been a judgment, decree, rule, or order of the said High Court; and all causes, matters, and proceedings whatsoever, which shall be pending in any of the Courts whose jurisdiction is so vested as aforesaid at the commencement of this Act, shall be continued and concluded in and before the High Court of Justice. (*See* Imp. Act of 1873, s. 22.)

Jurisdiction of High Court in respect of

23. The said High Court shall have the same jurisdiction in relation to all such causes, matters, and proceedings as if the same had been commenced in the High Court of Justice,

and continued therein down to the point at which the transfer takes place; and, so far as relates to the form and manner of procedure, such causes, matters, and proceedings, or any of them, may be continued and concluded, in and before the said High Court, either in the same or the like manner as they would have been continued and concluded in the respective Courts in which they shall have been commenced and continued as aforesaid, or according to the ordinary course of the High Court of Justice (so far as the same may be applicable thereto), as the said Court may think fit to direct. (*See* Imp. Act of 1873, s. 22.) Pending business.

24. The jurisdiction by this Act vested in the High Court of Justice and the Court of Appeal respectively shall be exercised (so far as regards procedure and practice) in the manner provided by this Act, or by such Rules and Orders of Court as may be made pursuant to this Act; and where no special provision is contained in this Act or in any such Rules or Orders of Court with reference thereto, it shall be exercised as nearly as may be in the same manner as the same might have been exercised by the respective Courts from which such jurisdiction shall have been transferred, or by any of such Courts. (*See* Imp. Act of 1873, s. 23.) Rules as to exercise of jurisdiction.

Court of Appeal.

25. The Court of Appeal shall be a Superior Court of Record, and there shall be vested in such Court all jurisdiction and powers heretofore vested in the Court. (Comp. Act of 1873, s. 18.) Jurisdiction of Court of Appeal.

26. Appeals from the judgments of the High Court or a Judge thereof shall be within the same time, and in the same manner, and with the same effect, as heretofore from like judgments of the Superior Courts or of a Judge thereof. (*See* Imp. Act of 1873, s. 19.) Appeals from High Court.

27. For all the purposes of and incidental to the hearing and determination of an appeal within its jurisdiction, from the High Court, and the amendment, execution, and enforcement of any judgment or order made on such appeal, and for the purpose of every other authority expressly given to the Court of Appeal by this Act, the said Court of Appeal shall have all the power, authority, and jurisdiction by this Act vested in the High Court of Justice. (*See* Imp. Act of 1873, s. 19; R. S. O., c. 38, s. 22.) On an appeal from the High Court, Court of Appeal to have all powers of High Court

28. The jurisdiction and power of the Court of Appeal, in respect of the said matters and all others, shall be and are subject to the provisions of this Act, and to such Rules and Orders of Court for regulating the terms and conditions on which such appeals shall be allowed, as may be made pursuant to this Act. (*See* Imp. Act of 1873, s. 19.) Jurisdiction subject to rules, etc.

High Court and Court of Appeal.

29. In every civil cause or matter commenced in the High Court of Justice, law and equity shall be administered by the High Court of Justice and the Court of Appeal respectively Law and equity to be concurrently administered.

according to the Rules following (*See* Imp. Act of 1873, s. 24; R. S. O., c. 49, ss. 4, 5):

(1.) If any plaintiff or petitioner claims to be entitled to any equitable estate or right, or to relief upon any equitable ground against any deed, instrument, or contract, or against any right, title, or claim whatsoever asserted by any defendant or respondent in such cause

or matter, or to any relief founded upon a legal right which heretofore could only have been given by a Court of Equity, the said Courts respectively, and every Judge thereof, shall give to such plaintiff or petitioner such and the same relief as ought to have been given by the Court of Chancery in a suit or proceeding for the same or the like purpose properly instituted before the passing of this Act (*See* Imp. Act of 1873, s. 24, sub-s. 1);

(2.) If any defendant claims to be entitled to any equitable estate or right, or to relief upon any equitable ground against any deed, instrument or contract, or against any right, title or claim asserted by any plaintiff or petitioner in such cause or matter, or alleges any ground of equitable defence to any claim of the plaintiff or petitioner in such cause or matter, the said Courts respectively, and every Judge thereof, shall give to every equitable estate, right, or ground of relief so claimed, and to every equitable defence so alleged, such and the same effect, by way of defence against the claim of such plaintiff or petitioner, as the Court of Chancery ought to have given if the same or the like matters had been relied on by way of defence in any suit or proceeding instituted in that Court for the same or the like purpose before the passing of this Act (*Ib.* sub-s. 2);

(3.) The said Courts respectively, and every Judge thereof shall also have power to grant to every defendant in respect of any equitable estate or right, or other matter of equity, and also in respect of any legal estate, right, or title claimed or asserted by him, all such relief against any plaintiff or petitioner as such defendant shall have properly claimed by his pleading, and as the said Courts respectively, or any Judge thereof, might have granted in any suit instituted for that purpose by the same defendant against the same plaintiff or petitioner; and also all such relief relating to or connected with the original subject of the cause or matter, and in like manner claimed against any other person, whether already a party to the same cause or matter or not, who shall have been duly served with notice in writing of such claim pursuant to any Rule of Court or any Order of the Court, as might properly have been granted against such person if he had been made a defendant to a cause duly instituted by the same defendant for the like purpose; and every person served with any such notice shall henceforth be deemed a party to such cause or matter, with the same rights

in respect of his defence against such claim, as if he had been duly sued in the ordinary way by such defendant (*Ib.* sub-s. 3);

(4.) The said Courts respectively, and every Judge thereof, shall recognize and take notice of all equitable estates, titles, and rights, and all equitable duties and liabilities appearing incidentally in the course of any cause or matter, in the same manner in which the Court of Chancery would have recognized and taken notice of the same in any suit or proceeding duly instituted therein before the passing of this Act (*Ib.* sub-s, 4.);

(5.) No cause or proceeding at any time pending in the High Court of Justice, or before the Court of Appeal, shall be restrained by prohibition or injunction; but every matter of equity on which an injunction against the prosecution of any such cause or proceeding might have been obtained, if this Act had not passed, either unconditionally or on any terms or conditions, may be relied on by way of defence thereto: Provided always, that nothing in this Act contained shall disable either of the said Courts from directing a stay of proceedings in any cause or matter pending before it if it shall think fit; and any person, whether a party or not to any such cause or matter, who would have been entitled, if this Act had not passed, to apply to any Court to restrain the prosecution thereof, or who may be entitled to enforce, by attachment or otherwise, any Judgment, Decree, Rule, or Order, contrary to which all or any part of the proceedings in such cause or matter may have been taken, shall be at liberty to apply to the said Courts respec tively, by motion in a summary way, for a stay of proceedings in such cause or matter, either generally, or so far as may be necessary for the purposes of justice, and the Court shall thereupon make such Order as shall be just (*Ib.* sub-s. 5);

(6.) Subject to the aforesaid provisions for giving effect to equitable rights and other matters of equity in manner aforesaid, and to the other express provisions of the Act, the said Courts respectively, and every Judge thereof, shall recognize and give effect to all legal claims and demands, and all estates, rights, duties, obligations, and liabilities existing by the Common Law or created by any Statute, in the same manner as the same would have been recognised and given effect to if this Act had not passed by any of the Courts whose jurisdiction is hereby transferred to the High Court of Justice (*Ib.* sub-s. 6.);

(7.) The High Court of Justice and the Court of Appeal respectively, in the exercise of the jurisdiction vested in them by this Act in every cause or matter pending before them respectively, shall have power to grant, and shall grant, either absolutely or on such reasonable terms and conditions as to them shall seem just, all such remedies whatsoever as any of the parties

thereto may appear to be entitled to in respect of any and every legal or equitable claim properly brought forward by them respectively in such cause or matter; so that, as far as possible, all matters so in controversy between the said parties respectively may be completely and finally determined, and all multiplicity of legal proceedings concerning any of such matters avoided. (*Ib.* sub-s. 7);

Rules of law upon certain points.

30. Whereas it is expedient to amend and declare the Law to be hereafter administered in Ontario as to the matters next hereinafter mentioned: Be it enacted as follows: (*See* Imp. Act of 1873, s. 25.)

Statutes of limitation not to apply to express trusts.

(1.) No claim of a *cestui que* trust against his trustee for any property held on an express trust, or in respect of any breach of such trust, shall be held to be barred by any Statute of Limitations (*Ib.* sub-s. 2);

Equitable waste.

(2.) An estate for life without impeachment of waste shall not confer or be deemed to have conferred upon the tenant for life any legal right to commit waste of the description known as equitable waste, unless an intention to confer such right shall expressly appear by the instrument creating such estate (*Ib.* sub-s. 3);

Merger.

(3.) There shall not, after the commencement of this Act, be any merger by operation of law only of any estate, the beneficial interest in which would not be deemed to be merged or extinguished in equity (*Ib.* sub-s. 4);

Suits for possession of land by mortgagors.

(4.) A mortgagor entitled for the time being to the possession or receipt of the rents and profits of any land as to which no notice of his intention to take possession or to enter into the receipt of the rents and profits thereof shall have been given by the mortgagee, may sue for such possession, or sue or distrain for the recovery of such rents or profits, or to prevent or recover damages in respect of any trespass or other wrong relative thereto, in his own name only, unless the cause of action arises upon a lease or other contract made by him jointly with any other person (*Ib.* sub-s. 5);

Assignment of debts and choses in action.

(5.) In case of an assignment of a debt or other chose in action, if the debtor, trustee, or other person liable in respect of such debt or chose in action shall have had notice that such assignment is disputed by the assignor or any one claiming under him, or of any other opposing or conflicting claims to such debt or chose in action, he shall be entitled, if he think fit, to call upon the several persons making claim thereto to interplead concerning the same, or he may, if he think fit, pay the same into the High Court of Justice under and in conformity with the provisions of law for the relief of trustees (*Ib.* sub-s. 6, and *see* R. S. O. c. 116, s. 6 *et seq.*);

Stipulations not of the essence of contracts.

(6.) Stipulations in contracts, as to time or otherwise, which would not before the passing of this Act have been deemed to be or to have become of the essence of such

contracts in a Court of Equity, shall receive in all Courts the same construction and effect as they would have heretofore received in equity (*Ib.* sub-s. 7);

(7.) A mandamus or an injunction may be granted or a receiver appointed by an interlocutory Order of the Court in all cases in which it shall appear to the Court to be just or convenient that such Order should be made; and any such Order may be made either unconditionally or upon such terms and conditions as the Court shall think just; and if an injunction is asked, either before, or at, or after the hearing of any cause or matter, to prevent any threatened or apprehended waste or trespass, such injunction may be granted, if the Court shall think fit, whether the person against whom such injunction is sought is or is not in possession under any claim of title or otherwise, or (if out of possession) does or does not claim a right to do the act sought to be restrained under any colour of title; and whether the estates claimed by both or by either of the parties are legal or equitable (*Ib.* sub-s. 8); Injunctions and receivers.

(8.) In questions relating to the custody and education of infants, the Rules of Equity shall prevail (*Ib.* sub-s. 10); Infants.

(9.) Generally in all matters not hereinbefore particularly mentioned, in which there is any conflict or variance between the Rules of Equity and the Rules of the Common Law with reference to the same matter, the Rules of Equity shall prevail (*Ib.* sub-s. 11); Cases of conflict not mentioned.

PART III.

SITTINGS AND DISTRIBUTION OF BUSINESS.

31. The Division of the legal year into terms shall be abolished so far as relates to the administration of justice; and there shall not be terms applicable to any sitting or business of the High Court of Justice; but in all cases in which, under the law now existing, the terms into which the legal year is divided are used as a measure for determining the time at or within which any act is required to be done, the same may continue to be referred to for the same or the like purpose, unless and until provision is otherwise made by any lawful authority. (*See* Imp. Act of 1873, s. 26.) Abolition of terms.

32. Subject to Rules of Court, the High Court of Justice and the Court of Appeal, and the Judges thereof respectively, shall have power to sit and act, at any time and at any place, for the transaction of any part of the business of such Courts respectively, or of such Judges, or for the discharge of any duty which by any Statute, or otherwise, is required to be discharged during or after term. (*See* Imp. Act of 1873, s. 26.) Sittings of Courts.

33. The Lieutenant-Governor in Council may from time to time, upon any report or recommendation of the Council of Vacations.

Judges of the Supreme Court hereinafter mentioned, make, revoke or modify, orders regulating the vacations to be observed by the High Court of Justice and the Court of Appeal, and in the offices of the said Courts respectively; and any Order in Council made pursuant to this section shall, so long as it continues in force, be of the same effect as if it were contained in this Act; and Rules of Court may be made for carrying the same into effect in the same manner as if such Order in Council were part of this Act. (*See* Imp. Act of 1873, s. 27.)

Sittings in vacation.

34. Provision shall be made by Rules of Court for the hearing, in Toronto, during vacation, by Judges of the High Court of Justice and the Court of Appeal respectively, of all such applications as may require to be immediately or promptly heard. (*See* Imp. Act of 1873, s. 28.)

Divisions of the High Court of Justice.

35. For the more convenient despatch of business in the High Court of Justice (but not so as to prevent any Judge from sitting whenever required in any Divisional Court, or for any Judge of a different Division from his own,) there shall be in the said High Court three Divisions consisting of such number of Judges respectively as hereinafter mentioned. Such three Divisions shall respectively include, immediately on the commencement of this Act, the several Judges following (that is to say):

(1.) One Division shall consist of the following Judges (that is to say): the Chief Justice of the Queen's Bench, who shall be President thereof, and the other Judges of the court of Queen's Bench;

(2.) One other Division shall consist of the following Judges (that is to say): the Chancellor, who shall be President thereof, and the Vice-Chancellors of the Court of Chancery;

(3.) One other Division shall consist of the following Judges (that is to say): the Chief Justice ot the Common Pleas, who shall be President thereof, and the other Judges of the Court of Common Pleas.

The said three Divisions shall be called respectively the Queen's Bench Division, the Chancery Division, and the Common Pleas Division.

Upon any vacancy happening among the Judges of the said High Court, the Judge appointed to fill such vacancy shall, subject to the provisions of this Act, and to any Rules of Court which may be made pursuant thereto, become a member of the same Division to which the Judge whose place has become vacant belonged.

Any Judge of any of the said Divisions may be transferred by His Excellency the Governor-General in Council from one to another of the said Divisions. (*See* Imp. Act of 1873, s. 31.)

Rules of Court to provide for distribution of business.

36. All causes and matters which may be commenced in, or which shall be transferred by this Act to, the High Court of Justice, shall be distributed among the several Divisions and Judges of the said High Court, in such manner as may from

time to time be determined by any Rules of Court, or orders of transfer, to be made under the authority of this Act; and in the meantime, and subject thereto, all such causes and matters shall be assigned to the said Divisions respectively, in the manner hereinafter provided. Every document by which any cause or matter may be commenced in the said High Court shall be marked with the name of the Division, to which the same is assigned. (*See* Imp. Act of 1873, s. 33.)

Assignment of business to the Divisions of the High Court.

37. There shall be assigned (subject as aforesaid) to the Queen's Bench Division of the said Court, all causes and matters pending in the Court of Queen's Bench at the commencement of this Act; to the Chancery Division, all causes and matters pending in the Court of Chancery at the commencement of this Act; and to the Common Pleas Division of the said Court, all causes and matters pending in the Court of Common Pleas at the commencement of this Act. (*See* Imp. Act of 1873, s. 34.)

Provision as to option for any Plaintiff (subject to rules) to choose in what division he will sue.

38. Subject to any Rules of Court and to the provisions of this Act and to the power of transfer, every person by whom any cause or matter may be commenced in the said High Court of Justice shall assign such cause or matter to one of the Divisions of the said High Court as he may think fit, by marking the document by which the same is commenced with the name of such Division, and giving notice thereof to the proper officer of the Court: Provided that—

(1.) Causes and matters hereafter commenced for any of the following purposes shall be assigned to the Chancery Division:

The administration of the estates of deceased persons;
The dissolution of partnerships or the taking of partnership or other accounts;
The redemption or foreclosure of mortgages;
The raising of portions, or other charges on land;
The sale and distribution of the proceeds of property subject to any lien or charge;
The execution of trusts, charitable or private;
The rectification, or setting aside, or cancellation of deeds or other written instruments;
The specific performance of contracts between vendors and purchasers of real estates, including contracts for leases;
The wardship of infants and the care of infants' estates. (*See* Imp. Act of 1873, s. 34.)

(2.) All interlocutory and other steps and proceedings in or before the said High Court in any cause or matter subsequent to the commencement thereof, shall be taken (subject to any Rules of Court and to the power of transfer) in the Division of the said High Court to which such cause or matter is for the time being attached; and,

(3.) If any plaintiff or petitioner shall at any time assign his cause or matter to any Division of the said High Court

to which, according to the Rules of Court or the provisions of this Act, the same ought not to be assigned, the Court, or any Judge upon being informed thereof, on a summary application at any stage of the cause or matter, may direct the same to be transferred to the Division of the said Court to which, according to such rules or provisions, the same ought to have been assigned; or may, if such Court or Judge think it expedient so to do, retain the same in the Division in which the same was commenced; and all steps and proceedings whatsoever taken by the plaintiff or petitioner or by any other party in any such cause or matter, and all orders made therein by the Court or any Judge thereof before any such transfer, shall be valid and effectual to all intents and purposes in the same manner as if the same respectively had been taken and made in the proper Division of the said Court to which such cause or matter ought to have been assigned. (*See* Imp. Act of 1875, s. 11.)

Power of Transfer.

39. Any cause or matter may at any time, and at any stage thereof, and either with or without application from any of the parties thereto, be transferred from one Division or Judge of the High Court of Justice to any other Division or Judge thereof, by such authority and in such manner as Rules of Court may direct, or as transfers might be made from one Court to another before the passing of this Act; or the same may by the like authority be retained in the Division in which the same was commenced, although such may not be the proper Division to which the same cause or matter ought in the first instance to have been assigned. (*See* Imp. Act of 1873, s. 36; R. S. O. c. 49, ss. 21—29)

Rota of Judges for election petitions.

40. The Judges to be placed on the rota for the trial of election petitions for Ontario in each year, under the provisions of the "Controverted Elections Act," shall be selected out of the Judges of the Supreme Court in such manner as may be provided by any Rules of Court to be made for that purpose; and in the meantime, and subject thereto, shall be selected, by the Judges of the said Court as if the said Court had been named in such last mentioned Act: Provided that the Judges who at the commencement of this Act, shall be upon the rota for the trial of such petitions during the then current year, shall continue upon such rota until the end of such year, in the same manner as if this Act had not passed. (*See* Imp. Act of 1873, s. 38; R. S. O. c. 11, s. 33.)

Powers of Judges sitting alone.

41. Any Judge of the said High Court of Justice may, subject to any Rules of Court, exercise in Court or in Chambers all or any part of the jurisdiction by this Act vested in the said High Court, in all such causes and matters, and in all such proceedings in any causes or matters, as before the passing of this Act might have been heard, in Court or in Chambers respectively, by a single Judge of any of the Courts whose jurisdiction is hereby transferred to the said High Court, or as may be directed or authorized to be so heard by any Rules of Court to be hereafter made. In all such cases any Judge sitting in Court shall be deemed to constitute a Court. (Imp. Act of 1873, s. 39.)

Divisional Courts of the High Court.

42. Such causes and matters as are not proper to be heard by a single Judge shall be heard by Divisional Courts of the said High Court of Justice, which shall for that purpose exercise all or any part of the jurisdiction of the said High Court. Any number of such Divisional Courts may sit at the same time. A Divisional Court of the said High Court of Justice shall be constituted by two or three, and no more, of the Judges thereof; and, except when through pressure of business or any other cause it may not conveniently be found practicable, shall be composed of three such Judges. Every Judge of the said High Court shall be qualified and empowered to sit in any of such Divisional Courts. The President of every such Divisional Court of the High Court of Justice shall be the senior Judge of those present, according to the order of their precedence under this Act or otherwise. (Imp. Act of 1873, s. 40.)

Divisional Courts for business of Queen's Bench and Common Pleas divisions.

43. Subject to any Rules of Court, and in the meantime until such Rules shall be made, and subject to the provisions of this Act, all business belonging to the Queen's Bench and Common Pleas Divisions respectively of the said High Court, which, according to the practice now existing in the Superior Courts of Common Law, would have been proper to be transacted or disposed of by the Court sitting in Banc, if this Act had not passed, may be transacted and disposed of by Divisional Courts, which shall, as far as may be found practicable and convenient, include one or more Judge or Judges attached to the particular Division of the said Court to which the cause or matter out of which such business arises has been assigned. (*See* Imp. Act. 1873, s. 41.)

Judges to take part in business of any Division.

44. Subject as aforesaid, it shall be the duty of every Judge of such last-mentioned Division, and also of every other Judge of the High Court who shall not for the time being be occupied in the transaction of any business specially assigned to him, or in the business of any other Divisional Court, to take part, if required, in the sittings of such Divisional Courts as may from time to time be necessary for the transaction of the business assigned to the said Queen's Bench and Common Pleas Divisions respectively; and all such arrangements as may be necessary or proper for that purpose, or for constituting or holding any Divisional Courts of the said High Court of Justice for any other purpose authorized by this Act, and also for the proper transaction of that part of the business of the said Queen's Bench and Common Pleas Divisions respectively, which ought to be transacted by one or more Judges not sitting in a Divisional Court, shall be made from time to time under the direction and superintendence of the Judges of the said High Court; and in case of difference among them, in such manner as a majority of the said Judges, shall determine. (*See* Imp. Act of 1873, s. 41.)

Business to be disposed of by one Judge as far as practicable.

45. Every action and proceeding in the High Court of Justice, and all business arising out of the same, except as hereinafter provided, shall, so far as is practicable and convenient, be heard, determined, and disposed of before a single judge, and all proceedings in an action subsequent to the hearing or trial, and down to and including the final judgment or order, except as aforesaid, and always excepting any proceedings on appeal in the Court of Appeal, shall, so far as is prac-

ticable and convenient, be had and taken before the judge before whom the trial or hearing of the cause took place. (*See* Imp. Act of 1876, s. 17.)

Divisional Courts in Chancery Division.

46. Divisional Courts may be held for the transaction of any part of the business assigned to the Chancery Division which a majority of the Judges of the said Division deem proper to be heard by a Divisional Court. (*See* Imp. Act of 1873, s. 43.)

Cases and points not to be reserved for or directed to be argued before Divisional Courts.

47. A Judge of the said High Court, sitting in the exercise of its jurisdiction elsewhere than in a Divisional Court, is to decide all questions coming properly before him, and is not to reserve any case, or any point in a case, for the consideration of a Divisional Court. (*See* Imp. Act of 1873,s. 46.)

What orders shall not be subject to Appeal.

48. No order made by the High Court of Justice or any Judge thereof, by the consent of parties, or as to costs only which by law are left to the discretion of the Court, shall be subject to any appeal, except by leave of the Court or Judge making such order. (Imp. Act of 1873, s. 49. *See* R. S. O., c. 38, s. 18.)

As to discharging orders made by a single Judge.

49. Every rule, order, and decision made by a Judge of the said High Court, in Chambers or otherwise, except orders made in the exercise of such discretion as aforesaid, may be set aside or discharged upon notice by any Divisional Court, according to the course and practice of the Division of the High Court to which the particular cause or matter in which such order is made is assigned. (*See* Imp. Act of 1873, s. 50.)

Appeal Court and Judges.

Provision for absence or vacancy in office of a Judge.

50. Upon the request of the Judges or Judge with or for whom he is requested to sit or act, it shall be lawful for any Judge of the Court of Appeal, who may consent so to do, to sit and act as a Judge of the said High Court, or to perform any other official or ministerial acts for or on behalf of any Judge absent from illness or any other cause, or in the place of any Judge whose office has become vacant, or as an additional Judge of any Division; and while so sitting and acting any such Judge of the Court of Appeal shall have all the power and authority of a Judge of the said High Court. (*See* Imp. Act of 1873, s. 51; R. S. O. c. 38, s. 9.)

Power of a single Judge in Court of Appeal.

51. In any cause or matter pending before the Court of Appeal, any direction incidental thereto, not involving the decision of the appeal, may be given by a single Judge of the Court of Appeal; and a single Judge of the Court of Appeal may at any time during vacation make any interim order to prevent prejudice to the claims of any parties pending an appeal as he may think fit; but every such order made by a single Judge may be discharged or varied by the Court of Appeal or a Divisional Court thereof. (*See* Imp. Act of 1873, s. 52.)

Divisional Courts of Court of Appeal.

52. In case from pressure of business, or other cause, it shall at any time seem expedient to the Lieutenant-Governor in Council, or to the Judges of the Supreme Court, or a majority of them, (of which majority the Chief Justice of Ontario

and one other Justice of Appeal shall form part) the Court of Appeal may sit in two divisions at the same time; and in such case, and to enable two Divisional Courts to be held, the Judges of the Supreme Court, or the said majority of them, shall select from the Judges of the High Court so many of the Judges thereof as may be necessary, together with the ordinary Judges of the Court of Appeal, to form two divisions of the said Court, and the Judges so chosen and acting shall have all the power and authority of the Judges of the said Court of Appeal.

Unless otherwise arranged by the Judges of the Court of Appeal and the said Judges so selected, two of the ordinary Judges of the Court of Appeal shall sit in each such Divisional Court. (*See* Imp. Act of 1875, ss. 12 & 17.)

PART IV.

TRIAL AND PROCEDURE.

Judgment not to be given unless party entitled on the facts proved.

53. At the trial of any action no party shall be entitled to judgment on the ground of his pleading being true, if the facts proved are not sufficient in point of law to entitle him to judgment.

Modes of trial.

54. In case of causes and matters which, at the time of the passing of this Act, are within the jurisdiction of the Superior Courts of Law, the mode of trial, in actions assigned to each of the said Divisions, shall be according to the present practice in actions in the said Courts of Queen's Bench and Common Pleas in like cases; and in case of other causes and matters over which the Court of Chancery has hitherto had exclusive jurisdiction, the mode of trial shall be according to the present practice of the Court of Chancery.

Sittings for trial of non-jury cases.

55. There shall be sittings as often in every year as the due despatch of business may require at every county town, for the trial of all cases and issues, whether legal or equitable, which are to be heard and determined by a Judge without a Jury, and in case such sittings are appointed at any county town for the same time and are held by the same Judge as the Court of Assize, separate lists shall be kept of the Jury and non-Jury cases, and the Jury cases shall first be disposed of, unless where the Judge shall see fit, for some special reason, to direct otherwise.

References and assessors.

56. But (subject to any Rules of Court and to such right as may exist to have particular cases submitted to the verdict of a jury), any question arising in any cause or matter (other than a criminal proceeding by the Crown) before the High Court of Justice or before the Court of Appeal, may be referred by the Court or by any Divisional Court or Judge before whom such cause or matter may be pending, for inquiry and report to a Judge of a County Court, or to an official referee, or to any other officer of the Supreme Court or of the High Court or of the Court of Appeal, or to any other person agreed on by the parties; and the report of such referee may be adopted wholly or partially by the Court, and may (if so adopted) be

enforced as a judgment by the Court. (*See* Imp. Act of 1873, s. 56 ; R. S. O., c 50, ss. 195, 197.)

The High Court or the Court of Appeal may also, in any such cause or matter as aforesaid in which it may think it expedient so to do, call in the aid of one or more assessors specially qualified, and try and hear such cause or matter wholly or partially with the assistance of such assessors. The remuneration, if any, to be paid to such referees or assessors shall be determined by the Court. (*See* Imp. Act of 1873, s. 56.)

Power to direct trials before referees.

57. In any cause or matter (other than a criminal proceeding by the Crown) before the said High Court, in which all parties interested who are under no disability consent thereto, and also without such consent in any such cause or matter requiring any prolonged examination of documents or accounts, or any scientific or local investigation which cannot, in the opinion of the Court or a Judge, conveniently be made before a jury, or conducted by the Court through its other ordinary officers, the Court or a Judge may at any time, on such terms as may be thought proper, order any question or issue of fact or any question of account arising therein to be tried either before a Judge of a County Court or any officer as aforesaid, or before an official referee, or before a special referee to be agreed on between the parties.

All such trials before referees shall be conducted in such manner as may be prescribed by Rules of Court, and subject thereto in such manner as the Court or Judge ordering the same shall direct. (*See* Imp., Act of 1873, s. 57.)

Power of referees and effect of their findings.

58. In all cases of a reference to referees under this Act the referees shall be deemed to be officers of the Court, and shall have such authority for the purpose of the reference as shall be prescribed by Rules of Court or (subject to such Rules) by the Court or Judge ordering such reference or trial; and the report of any Referee upon any question of fact shall (unless set aside by the Court) be equivalent to the verdict of a jury. (*See* Imp., Act of 1873, s. 58.)

Powers of Court with respect to proceedings before referees.

59. With respect to all such proceedings before referees and their reports, the Court or such Judge as aforesaid shall have, in addition to any other powers, the same or the like powers as are given to any Court whose jurisdiction is hereby transferred to the said High Court with respect to references to arbitration and proceedings before arbitrators and their awards respectively, by the Common Law Procedure Act. (*See* Imp., Act of 1873, s. 59.)

Provision for saving of existing procedure where not inconsistent with this Act or Rules of Court.

60. Save as by this Act, or by any Rules of Court, may be otherwise provided, all forms and methods of procedure which at the commencement of this Act were in force in any of the Courts whose jurisdiction is by this Act transferred to and vested in the said High Court under or by virtue of any law, general order, or rule whatsoever, and which are not inconsistent with this Act or with any Rules of Court made under this Act, may continue to be used and practised, in the said High Court of Justice, in such and the like cases, and for such and the like purposes, as those to which they would have been applicable in the respective courts of which the jurisdiction is so transferred, if this Act had not passed. (*See* Imp. Act of 1875, s. 21.)

RULES OF COURT.

61. The Rules of Court in the First Schedule to this Act shall come into operation at the commencement of this Act, and as to all matters to which they extend shall thenceforth regulate the proceedings in the High Court of Justice and Court of Appeal. But such Rules of Court and also all such other Rules of Court (if any) as may be made after the passing and before the commencement of this Act, under the authority of the next section, may be annulled or altered by the authority by which new Rules of Court may be made after the commencement of this Act. (*See* Imp. Act of 1875, s. 16.) Rules of Court.

62. At any time after the passing and before the commencement of this Act, the Chief Justice of Ontario, the Justices of Appeal, the Chief Justice of the Queen's Bench, the Chancellor, and the Chief Justice of the Common Pleas, or any five of them, and the other Judges of the several Courts intended to be united and consolidated by this Act, or a majority of such other Judges, may make any further or additional Rules of Court for carrying this Act into effect, and in particular for all or any of the following matters, so far as they are not provided for by the Rules in the First Schedule to this Act; that is to say:— Who may make Rules.

(*a*.) For regulating the sittings of the High Court of Justice and the Court of Appeal, and of any Divisional or other Courts thereof respectively, and of the Judges of the said High Court sitting in Chambers; and,

(*b*.) For regulating the pleading, practice, and procedure in the High Court of Justice and Court of Appeal; and,

(*c*.) Generally, for regulating any matters relating to the practice and procedure of the said Courts respectively, or to the duties of the officers thereof, or of the Supreme Court, or to the costs of proceedings therein.

(2.) From and after the commencement of this Act, the Supreme Court may at any time, with the concurrence of a majority of the Judges thereof present at any meeting for that purpose held (of which majority the Chief Justice of Ontario shall be one), alter and annul any Rules of Court for the time being in force, and have and exercise the same power of making Rules of Court as is by this section vested in the existing Judges before the commencement of this Act.

(3.) All Rules of Court made in pursuance of this section, if made before the commencement of this Act, shall from and after the commencement of this Act, and if made after the commencement of this Act shall from and after they come into operation,

regulate all matters to which they extend, until annulled or altered in pursuance of this section. (*See* Imp. Act of 1875, s. 17.)

(4.) Subject to any Rules of Court which may be made under this section the Judges of the Court of Appeal shall continue after the commencement of this Act to have all the powers which they now possess as to making Rules of Court for the regulation of the practice in appeals; and the Judges of the High Court shall as regards matters in the said High Court have in like manner all the powers which the Judges of the Courts of Chancery and of the Superior Courts of Law have respectively for the regulation of the practice of the said Courts.

(5.) Where any provisions in respect of the practice or procedure of any Courts the jurisdiction of which is vested by this Act in the High Court of Justice, are contained in any Statute, Rules of Court may be made for modifying such provisions to any extent that may be deemed necessary for adapting the same to the High Court of Justice.

(6.) Any provisions relating to the payment, transfer, or deposit into, or in, or out of any Court of any money or property, or to the dealing therewith, shall, for the purposes of this section, be deemed to be provisions relating to practice and procedure. (*See* Imp. Act of 1875, s. 24.)

Governor in Council may authorize certain Judges to make Rules.

63. The Lieutenant-Governor in Council may from time to time authorize the following persons, viz: the Chief Justice of Ontario, the Chief Justice of the Queen's Bench, the Chancellor, and the Chief Justice of the Common Pleas, to make Rules of Court under this Act, every such appointment to continue for such time as shall be specified by Order in Council, and any three or all of the Judges so appointed, the Chief Justice of Ontario being one of them, may make such Rules, and the same shall have the same effect as if made by all the Judges of the Supreme Court, under the preceding section. (*See* Imp. Act of 1876, s. 17.)

Council of Judges to consider procedure and administration of justice.

64. A Council of the Judges of the Supreme Court of which due notice shall be given to all the said Judges, shall assemble once at least in every year, on such day or days as shall be fixed by the Lieutenant-Governor for the purpose of considering the operation of this Act and of the Rules of Court for the time being in force, and also the working of the several offices and the arrangements relative to the duties of the officers of the said Courts respectively, and of inquiring and examining into any defects which may appear to exist in the system of procedure or the administration of the law in the said High Court of Justice or the said Court of Appeal, or in any other Court from which any appeal lies to the said High Court or any Judge thereof, or to the said Court of Appeal; And they shall report annually to the Lieutenant-Governor what (if any) amendments or alterations it would in their judgment be expedient to make in this Act, or otherwise relating to the

administration of justice, and what other provisions (if any) which cannot be carried into effect without the authority of Parliament it would be expedient to make for the better administration of justice. An Extraordinary Council of the said Judges may also at any time be convened by the Lieutenant-Governor or the Chief Justice of Ontario. (*See* Imp. Act of 1873, s. 75.)

Statutes relating to former Courts to be read as applying to Courts under this Act.

65. All Statutes relating to the several Courts and Judges, whose jurisdiction is hereby vested in the said High Court of Justice, or wherein any of such Courts or Judges are mentioned or referred to, shall be construed and take effect, so far as relates to anything done or to be done after the commencement of this Act, as if the said High Court of Justice, and the Judges thereof, as the case may be, had been named therein instead of such Courts or Judges whose jurisdiction is so transferred respectively; and in all cases not hereby expressly provided for in which, under any such Statute the concurrence or the advice or consent of the Judge or any Judges, or of any number of the Judges, of any one or more of the Courts whose jurisdiction is hereby transferred to the High Court of Justice is made necessary to the exercise of any power or authority capable of being exercised after the commencement of this Act, such power or authority may be exercised by and with the concurrence, advice, or consent of the same or a like number of Judges of the said High Court of Justice; and all general and other Commissions, by virtue whereof any Judges of any of the Courts whose jurisdiction is so transferred may, at the commencement of this Act, be empowered to try, hear, or determine any causes or matters, shall remain and be in full force and effect, unless and until they shall respectively be in due course of law revoked or altered. (*See* Imp. Act of 1873, s. 76.)

PART V.

OFFICERS AND OFFICES.

Officers of former Courts to be attached to their respective divisions of the Supreme Court.

66. All officers who at the time of the commencement of the said Act shall be attached to the Court of Chancery shall be attached to the Chancery Division of the said High Court; and all officers who at the time of the commencement of the said Act shall be attached to the Court of Queen's Bench shall be attached to the Queen's Bench Division of the said High Court; and all officers who at the time of the commencement of the said Act shall be attached to the Court of Common Pleas shall be attached to the Common Pleas Division of the said High Court. (Comp. Imp. Act of 1873, s. 77; R. S. C., Order 60, R. 1.)

Rank, &c.

67. The officers so attached shall have the same rank and hold their offices by the same tenure and upon the same conditions, as to security and otherwise, and receive the same salaries as if this Act had not passed. (*See* Imp. Act of 1873, s. 77.)

Officers removeable by Judges.

68. Any such officer who is removeable by the Court to which he is now attached shall be removeable by the Court to which

he shall be attached under this Act, or by the majority of the Judges thereof. (*See* Imp. Act of 1873, s. 77 ; R.S.O. c. 40. s. 11.)

Distribution of business among officers.

69. The business to be performed in the High Court of justice and in the Court of Appeal respectively, or in any Divisional or other Court thereof, or in the chambers of any Judge thereof, other than that performed by the Judges, shall be distributed among the several officers attached to the said Courts by section sixty-six in such manner as may be directed by Rules of Court; and such officers shall perform such duties in relation to such business as may be directed by Rules of Court; and, subject to such Rules of Court, all such officers respectively shall continue to perform the same duties, as nearly as may be, and in the same manner as if this Act had not passed. (*See* Imp. Act of 1873, s. 77.)

Oaths of Office.

70. The oaths to be taken by officers of the Supreme Court, of the High Court and of the Court of Appeal respectively, shall be the same as heretofore required to be taken by like officers of the Superior Courts. (*See* R. S. O., c. 40, s. 12.)

Jurisdiction of certain officers preserved.

71. Subject to any Rules to be made from time to time under the authority of this Act, the Master in Chancery, the Clerk of the Crown and Pleas of the Court of Queen's Bench, the Inspector of Titles, the Referee in Chambers, the Accountant, the Local Masters of the Court of Chancery, and any other officers of the Superior Courts of Law and Equity, shall have the same judicial powers in respect of business in each and every of the Divisions of the said High Court as they have now in respect of the business of the Court to which they are attached, and the orders and decisions of the said officers shall be subject to appeal as heretofore. (*See* R. S. O., c. 39, s. 29; Reg.-Gen. of Feb'y, 1870, 29 Q. B. U. C., 623; R. S. O., c. 40, s. 28; G. O. Chy, Nos. 14, 15, 560, 625, 633; R. S. O., c. 110, s. 23; G. O. Chy, No 495.)

Official referees.

72. Subject as aforesaid, the Master in Ordinary and the Local Masters of the Court of Chancery, shall be official referees for the trial of such questions as shall be directed to be tried by such referees.

Deputy Registrars.

73. As vacancies occur in the office of Local Master and Deputy Registrar, the Deputy Clerk of the Crown shall be the Deputy Registrar, unless and until the Judges of the High Court otherwise direct.

Commutation of fees of Local Masters.

74. The Lieutenant-Governor in Council may commute the fees of a Local Master for a fixed salary, such salary to be based on the average income derived from the fees of the Local Master for any two preceding years.

Salary may be varied from time to time

75. The salary so fixed shall continue until varied by Order in Council, but any order for payment of a salary as aforesaid may be rescinded, and the amount of such salary increased or diminished, provided that in no case shall any salary exceed the average receipts for fees during the two preceding years.

Where Master paid by salary fees to be paid by stamps.

76. Where the master is paid by a salary as above provided he shall not take for his own benefit, directly or indirectly, any

fee or emolument, save the salary to which he may be entitled; but the like sums and fees heretofore payable on proceedings in his office shall continue to be payable; and all such fees shall form part of the Consolidated Revenue Fund of this Province, and shall be payable in stamps, subject to the provisions of the Act respecting Law Stamps. (*See* R. S. O., c. 40, s. 16.)

Returns.

77. Every Master who is paid by salary shall yearly and within ten days after the expiration of each year transmit to the Treasurer of the Province a just, true and faithful account, to be verified upon oath, of the amount of fees paid in stamps at his office during the preceding year. (*See* R. S. O., c. 16, s. 37.)

Particulars to be stated in returns.

78. The Lieutenant-Governor or the member of the Government having charge of the matter may require the return to state any particulars, or to be made in any form, that may be thought proper and such return shall be made accordingly.

Official Guardian *ad litem*.

79. The Judges of the High Court shall appoint during pleasure a barrister at law and solicitor, of not less than seven years standing as Official Guardian *ad litem* of Infants; and in case of subsequent vacancies the appointment is to be made by the Lieutenant-Governor in Council.

Costs of Guardian to be paid to Accountant.

(2.) All costs paid to the guardian by any party shall be paid over forthwith to the Accountant of the Court of Chancery and shall be placed by him to the credit of a fund to be intituled "Account of Official Guardian *ad litem*;" and all costs payable to the guardian out of any funds in Court shall be transferred to the credit of the same account, and the salary and disbursements of the said guardian shall be paid under order of Court out of the money at the credit of the said account.

Court may remit costs in certain cases.

(3.) Where the estate is small, and, in view of the amount at the credit of the said account, an amount payable out of the estate for costs is not required to pay the salary and disbursements of the Guardian, the Court may withhold payment of the sum or any part of the sum due for the Guardian's costs in respect of such estate; and may distribute the same as if such costs were not payable out of the estate.

Salary.

(4.) There shall be paid to the said Guardian a fixed salary of such sum per annum as, in view of the amount of business done by the Guardian, and the sum at the credit of the said account, the said Judges shall think reasonable, and as the Lieutenant-Governor in Council shall approve; which salary shall be over and above all necessary disbursements, and the salary and disbursements shall be paid monthly or otherwise as shall be determined by rule of Court, out of the fund at the credit of the said account of official Guardian *ad litem*.

Guardian to act without special appointment.

(5.) Subject to Rules of Court in any proceeding in which it may be necessary to appoint a guardian *ad litem* for an infant the person desiring such appointment shall serve on the Official Guardian a copy of the proceedings or of such part thereof as may be necessary to enable the guardian to protect the interests of the infant; and the Official Guardian from the time of

such service shall without further appointment act as guardian of such infant, unless the Court otherwise directs. (*See* Chancery Orders 610 and 611.)

Person aggrieved may apply for appointment of a different guardian.

(6.) Any person interested may move before a Judge in Chambers, on such material as he may think proper, for an order appointing a guardian other than the Official Guardian, whereupon such order as may be considered most conducive to the interests of the infant, shall be made. (Order 612.)

Return.

80. The Accountant shall yearly and within ten days after the expiration of each year transmit to the Lieutenant-Governor in Council a just, true and faithful statement, to be verified upon oath, shewing the state of the "Account of Guardian *ad litem*" upon the thirty-first day of the preceding December. (R. S. O., c. 50, s. 121.)

Doubts as to the status of officers to be determined by Rule.

81. Where a doubt exists as to the position under this Act of any existing officer attached to any existing Court or Judge affected by this Act, such doubt may be determined by Rules of Court. (*See* Imp. Act of 1873, s. 81.)

Powers of Commissioners to administer oaths.

82. Every person who at the commencement of this Act shall be authorized to administer oaths and take affidavits and affirmations in any of the Courts whose jurisdiction is hereby transferred to the High Court of Justice shall be a Commissioner to administer oaths in all causes and matters whatsoever which may from time to time be depending in the said High Court. (*See* Imp. Act of 1873, s. 82.)

Solicitors.

Solicitors and attorneys.

83. From and after the commencement of this Act all persons admitted as solicitors or attorneys of, or by law empowered to practice in, any Court the jurisdiction of which is hereby transferred to the High Court of Justice, shall be called Solicitors of the Supreme Court of Ontario, and shall be entitled to the same privileges, and be subject to the same obligations, so far as circumstances will permit, as if this Act had not passed; and all persons who from time to time, if this Act had not passed, would have been entitled to be admitted as solicitors or attorneys of, or been by law empowered to practise, in any such Courts, shall be entitled to be admitted and to be called Solicitors of the Supreme Court of Ontario, and shall be admitted by any Divisional Court, and shall, as far as circumstances shall permit, be entitled as such solicitors to the same privileges and be subject to the same obligations as if this Act had not passed.

Any solicitors or attorneys to whom this section applies shall be deemed to be officers of the said Supreme Court; and that Court, and the High Court of Justice and the Court of Appeal respectively, or any Division or Judge thereof, may exercise the same jurisdiction in respect of such solicitors or attorneys as any one of Her Majesty's superior courts might previously to the passing of this Act have exercised in respect of any solicitor or attorney admitted to practise therein. (*See* Imp. Act of 1873, s. 87.)

84. Until otherwise ordered the costs, fees and charges of all proceedings in the several Divisions of the High Court shall be the same as heretofore in respect of like proceedings in the Courts hereby consolidated. (*See* R. S. O., c. 50, s. 234.) Costs to remain as heretofore.

PART VI.

Jurisdiction of County Courts.

85. Every County Court shall as regards all causes of action within its jurisdiction for the time being, have power to grant and shall grant in any proceeding before such court such relief, redress, or remedy, or combination of remedies, either absolute or conditional, and shall in every such proceeding give such and the like effect to every ground of defence or counter-claim, equitable or legal (subject to the provision next hereinafter contained), in as full and ample a manner as might and ought to be done in the like case by the High Court of Justice. (*See* Imp. Act of 1873, s. 89.) Powers of County Courts

86. Where in any proceeding before any such County Court any defence or counter-claim of the defendant involves matter beyond the jurisdiction of the court, such defence or counter-claim shall not affect the competence or the duty of the Court to dispose of the whole matter in controversy so far as relates to the demand of the plaintiff and the defence thereto, but no relief exceeding that which the court has jurisdiction to administer shall be given to the defendant upon any such counter-claim: Provided always, that in such case it shall be lawful for the High Court or any Division or Judge thereof, if it shall be thought fit, on the application of any party to the proceeding, to order that the whole proceeding be transferred from such court to the High Court, or to any Division thereof; and in such case the Record in such proceeding shall be transmitted by the Clerk or other proper officer, of the County Court to the said High Court; and the same shall thenceforth be continued and prosecuted in the said High Court as if it had been originally commenced therein. (*See* Imp. Act of 1873, s. 90.) Counter-claims in inferior Courts, and transfers therefrom. Proviso.

87. The several rules of law enacted and declared by this Act shall be in force and receive effect in all courts whatsoever in Ontario, so far as the matters to which such rules relate shall be respectively cognizable by such courts. (*See* Imp. Act of 1873, s. 91.) Rules of law to apply to Inferior Court.

88. The practice and procedure for the time being of the High Court of Justice, shall, in matters not expressly provided for, apply and extend to the County Courts and to all actions and proceedings therein. (*See* R. S. O., c. 43, s. 29.) Practice of High Court to apply to County Courts

89. Subject to Rules of Court, County Court Judges shall have the same powers to grant summonses and orders in actions in the High Court, as they now have in the Superior Courts of Law; and in the case of any such orders which are made ex parte, they may be made by a County Court Judge, though the Powers of County Court Judges in actions in High Court.

Attorneys for all the parties do not reside in the same county. (*See* R. S. O., c. 50, s. 148.)

PART VII.

Miscellaneous Provisions.

Transfer of books and papers to Supreme Court.

90. All books, documents, papers and chattels in the possession of any Court, the jurisdiction of which is hereby transferred to the High Court of Justice, or of any officer or person attached to any such Court, as such officer, or by reason of his being so attached, shall be transferred to the Supreme Court, and shall be dealt with by such officer or person in such manner as the High Court of Justice or the Supreme Court may by order direct; and any person failing to comply with any order made for the purpose of giving effect to this section shall be guilty of a contempt of the Supreme Court. (*See* Imp. Act of 1873, s. 92.)

Mode of compelling attendance of witnesses.

91. Upon proof to the satisfaction of the judge presiding at the sittings of any court of the service of a subpœna upon any witness, who fails to attend, or to remain in attendance in accordance with the requirements of the subpœna, and that a sufficient sum for his fees as a witness had been duly paid or tendered to him, and that the presence of snch witness is material to the ends of justice, the said judge may, by his warrant, cause such witness to be apprehended and forthwith brought before him or any other judge who may thereafter preside at such sittings, to give evidence, and in order to secure his presence as a witness, such witness may be taken on such warrant before the presiding judge and detained in the custody of the person to whom the warrant is directed, or otherwise, as the presiding judge may order, until his presence, as such witness, shall be required, or, in the discretion of the said judge, he may be released on a recognizance (with or without sureties), conditioned for his appearance to give evidence. (*See* 39 Vic., c. 36, Dom.)

Form of warrant.

92. Such warrant may be similar to form 7, in appendix F, hereto, and may be directed to any sheriff or other officer of the court, or to any constable, and may be executed in any part of Ontario.

Attendance before commissioner, &c.

93. Where any commissioner or other person is authorized to require the presence of any person as a witness, and such witness fails to attend or to remain in attendance, such commissioner or other person, upon proof to his satisfaction of the service of a subpœna or summons, and that the presence of such witness is material to the ends of justice, may, with a view to secure the attendance of such witness, exercise the powers conferred by section ninety-one upon a judge.

Saving as to circuits, &c.

94. This Act, except as herein is expressly directed, shall not, affect the circuits of the Judges, or the issue of any Commissions of Assize, Nisi Prius, Oyer and Terminer, Gaol Delivery, or other commissions for the discharge of civil or criminal business on circuit or otherwise; or the authority

of a judge or a retired Judge of any of the Superior Courts, or a Judge of a County Court, or one of Her Majesty's Counsel learned in the law, to preside without any commission at any Court of Assize, Oyer and Terminer, and General Gaol Delivery, or at a Court held under this Act in the exercise of the jurisdiction now belonging to Courts of Assize, Oyer and Terminer, and General Gaol Delivery, or the authority of such Counsel learned in the law to hold any sitting for the hearing of causes; and any such Judge or Counsel shall after the commencement of this Act, have the same authority to preside as aforesaid, or to hold any sitting of the High Court for the hearing of causes in the High Court respectively, which such Judge or Counsel now has to preside at Courts of Assize, Oyer and Terminer, and General Gaol Delivery, or to hold a sitting of the Court of Chancery for the hearing of causes; nor (except as aforesaid) shall this Act affect the position, salaries, or duties of any officers transferred to the High Court who are now officers of the Superior Courts of Common Law, and who perform duties in relation to either the civil or criminal business transacted on circuit. (*See* C. S. U. C., c. 11, ss. 2, 3, 4; Imp. Act, 1873, s. 93; 29 and 30 Vic., c. 39; R. S. O., c. 41, s. 6.)

COURT HOUSES.

Inspection, &c of Court Houses.

95. The provisions of the Prison and Asylum Inspection Act, chapter two hundred and twenty-four of the Revised Statutes as to the inspection, construction and repairing of Gaols, shall apply to Court Houses, and the said provisions shall so far as applicable be read as if the words Court House or Court Houses were inserted after the words Gaol or Gaols in the said Act.

REPEAL.

Repeal.

96. From and after the commencement of this Act there shall be repealed:—

(1.) The Acts specified in the Second Schedule to this Act, to the extent in the third column of that schedule mentioned, without prejudice to anything done or suffered before the said commencement under the enactments hereby repealed; also,

(2.) Any enactment inconsistent with this Act. (*See* Imp. Act of 1875, s. 33.)

INTERPRETATION.

Interpretation terms.

97. In the construction of this Act and of the Rules unless there is anything in the subject or context repugnant thereto, the several words hereinafter mentioned shall have, or include the meanings following: (that is to say,)

"Rules of Court" shall include forms.

"Cause" shall include any action, suit, or other original proceeding between a plaintiff and a defendant, and any criminal proceeding by the Crown.

"Suit" shall include action.

"Action" shall mean a civil proceeding commenced by writ, or in such other manner as may be prescribed

by Rules of Court; and shall not include a criminal proceeding by the Crown.

"Plaintiff" shall include every person asking any relief (otherwise than by way of counter-claim as a defendant) against any other person by any form of proceeding, whether the same be taken by action, suit, petition, motion, summons, or otherwise.

"Petitioner" shall include every person making any application to the Court, either by petition, motion, or summons, otherwise than as against any defendant.

"Defendant" shall include every person served with any writ of summons or process, or served with notice of, or entitled to attend any proceedings.

"Party" shall include every person served with notice of, or attending any proceeding, although not named on the Record.

"Matter" shall include every proceeding in the Court not in a cause.

"Pleading" shall include any petition or summons, and also shall include the statements in writing of the claim or demand of any plaintiff, and of the defence of any defendant thereto, and of the reply of the plaintiff to any counter-claim of a defendant.

"Judgment" shall include decree.

"Order" shall include rule.

"Oath" shall include solemn affirmation and statutory declaration.

"Existing" shall mean existing at the time appointed for the commencement of this Act.

"Proper Officer" shall, unless and until any rule to the contrary is made, mean an officer to be ascertained as follows:—

(a.) Where any duty to be discharged under this Act or the Rules is a duty which has heretofore been discharged by any officer, such officer shall continue to be the proper officer to discharge the same, until otherwise provided by Rule.

(b.) Where any new duty is under this Act or the Rules to be discharged, the proper officer to discharge the same shall be such officer, having previously discharged analogous duties, as may from time to time be directed to discharge the same, in the case of an officer of the High Court of Justice, not attached to any division, by the President of the High Court, and in the case of an officer attached to any division, by the President of the division. (*See* Imp. Act of 1873, s. 100; and Order 63 of Imp. Act of 1875.)

FIRST SCHEDULE.

RULES OF COURT.

[NOTE.—Where no other provision is made by the Act or these Rules the present procedure and practice remain in force. *See* section 60 of this Bill, ante; Order 1, R. 4, post.]

ORDER I.

FORM AND COMMENCEMENT OF ACTION.

Action.

1. All actions which have hitherto been commenced by writ in the Superior Courts of Common Law, and all suits which have hitherto been commenced by bill or information in the Court of Chancery, shall be instituted in the High Court of Justice by a proceeding to be called an action. (Comp. R. S. C. 1875, Order 1, R. 1.)

Interpleader

2. With respect to interpleader, the procedure and practice now used by Courts of Common Law under the Interpleader Act, R. S. O., chapter fifty-four, shall apply to all actions and to all the Divisions of the High Court of Justice, and the application by a defendant shall be made at any time after being served with a writ of summons and before delivering a defence. (Comp. *Ib*, R. 2.)

3. Nothing in these Rules shall be construed as abrogating the orders of the Court of Chancery made on the 10th day of January, 1879, and numbered from 638 to 650.

Other proceedings.

4. All other proceedings in and applications to the High Court may, subject to these Rules, be taken and made in the same manner as they would have been taken and made in any Court in which any proceeding or application of the like kind could have been taken or made if the Act had not been passed. (Comp. *Ib.*, R. 3.)

ORDER II.

WRIT OF SUMMONS AND PROCEDURE, &C.

Writ.

1. Save as aforesaid, every action in the High Court shall be commenced by a writ of summons, which shall be indorsed with a statement of the nature of the claim made, or of the relief or remedy required in the action, and which shall specify the Division of the High Court to which it is intended that the action should be assigned. (R. S. C. 1875, Order 2, R. 1.)

Costs incurred by use of improper form.

2. Any costs occasioned by the use of any more prolix or other forms of writs and of indorsements thereon, than the forms hereinafter prescribed, shall be borne by the party using the same unless the Court shall otherwise direct. (*Ib.*, R. 2.)

Form of Writ.

3. The writ of summons for the commencement of an action shall, except in the cases in which any different form is hereinafter provided, be in form No. 1 in part 1 of Appendix (A), hereto, with such variations as circumstances may require. (*Ib.*, R. 3.)

Writ for service out of jurisdiction.

4. Where there is now jurisdiction in any of the Superior Courts, to proceed with a suit on a service out of Ontario, the Writ of Summons to be so served shall be in form No.

2, in Part I., of Appendix (A) hereto, with such variations as circumstances may require. Such notice shall be in form No. 3 in the same Part, with such variations as circumstances may require. (*Ib.*, R. 5.)

Date and teste of Writ.

5. Every writ of summons and also every other writ shall bear date on the day on which the same is issued, and shall be tested in the name of the President of the High Court of Justice. (*Ib.*, R. 8.)

ORDER III.

Indorsements of Claim.

Common indorsement.

1. The indorsement of claim shall be made on every writ of summons before it is issued. (R. S. C. 1875, Order 3, R. 1.)

Essentials of indorsement.

2. In the indorsement required by Order 2, Rule 1, it shall not be essential to set forth the precise ground of complaint, or the precise remedy or relief to which the plaintiff considers himself entitled. The plaintiff may by leave of the Court or Judge amend such indorsement so as to extend it to any other cause of action or any additional remedy or relief. (*Ib.*, R. 2.)

Amendment.

Form of indorsement.

3. The indorsement of claim may be to the effect of such of the forms in Part II. of Appendix (A) hereto as shall be applicable to the case, or if none be found applicable then such other similarly concise form as the nature of the case may require. (*Ib.*, R. 3.)

Where action is in representative capacity.

4. If the plaintiff sues, or the defendant or any of the defendants is sued, in a representative capacity, the indorsement shall shew, in manner appearing by the statement in Appendix (A) hereto, Part II., sec. VI., or by any other statement to the like effect, in what capacity the plaintiff or defendant sues or is sued. (Comp. *Ib.*, R 4.)

Special indorsement.

5. In all actions where the plaintiff seeks merely to recover a debt or liquidated demand in money payable by the defendant, with or without interest, arising upon a contract, express or implied, as, for instance, on a bill of exchange, promissory note, cheque, or other simple contract debt, or on a bond or contract under seal for payment of a liquidated amount of money, or on a statute where the sum sought to be recovered is a fixed sum of money or in the nature of a debt, or on a guaranty, whether under seal or not, where the claim against the principal is in respect of such debt or liquidated demand, bill, cheque, or note, or on a trust, the writ of summons may be specially indorsed with the particulars of the amount sought to be recovered, after giving credit for any payment or set-off. (*Ib.*, R. 6; Comp. C. L. P. Act, R. S. O., c. 50, s. 19.)

Indorsement of sum on payment of which action stayed.

6. Wherever the plaintiff's claim is for a debt or liquidated demand only, the indorsement, beside stating the nature of the claim, shall state the amount claimed for debt, or in respect of such demand, and for costs, respectively, and shall further state, that upon payment thereof within four days after service, or in case of a writ not for service within the jurisdiction within the time allowed for appearance, further proceedings will be stayed. Such statement may be in the form in Appendix (A) hereto, Part II., Sec. III. The defendant may, notwithstanding such payment, have the costs taxed, and if more than one-sixth shall be disallowed, the plaintiff's solicitor shall pay the costs of taxation. (*Ib.*, R. 7; Comp. C. L. P. Act, R.S.O., c. 50, s. 18.)

7. In all cases of ordinary account, as, for instance, in the case of a partnership or executorship or ordinary trust account, where the plaintiff, in the first instance, desires to have an account taken, the writ of summons shall be indorsed with a claim that such account be taken. (*Ib.*, R. 8.) Indorsement of claim for account

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ORDER IV.

Indorsement of Address.

1. The solicitor of a plaintiff suing by a solicitor shall indorse upon every writ of summons, and notice in lieu of service of a writ of summons, the address of the plaintiff, and also his own name or firm and place of business, where writs, notices, petitions, orders, summonses, warrants and other documents, proceedings, and written communications may be left for him. And where any such solicitor is only agent of another solicitor, he shall add to his own name or firm and place of business the name or firm and place of business of the principal solicitor. (Comp, R. S. C. Order 4, R. 1; C. L. P. Act, R. S. O., c. 50, s. 16.) Address of plaintiff and of solicitor.

2. A plaintiff suing in person shall indorse upon every writ of summons and notice in lieu of service of a writ of summons his place of residence and occupation, and also, if his place of residence shall be more than two miles from the office out of which the first process in the cause shall have been or shall be issued, another proper place, to be called his address for service, which shall not be more than two miles from such office, where writs, notices, petitions, orders, summonses, warrants and other documents, proceedings, and written communications not requiring personal service may be left for him; and if such memorandum shall not be left, or if such address or place be more than two miles from the office aforesaid, then the opposite party shall be at liberty to proceed by sticking up all notices, petitions, orders, summonses, warrants and other documents, proceedings and written communications in such office. (Comp. Order, 4, R. 2; C. L. P. Act, R. S. O. c. 50, s. 17; Rules of T. T., Ont., 1856, No. 138; G. O. Chy, No. 44.) Address of plaintiff in person.

ORDER V.

Issue of Writs of Summons.

(1.) *Place of Issue.*

1. In any action whatever the plaintiff wherever resident may issue a writ of summons out of the proper office in Toronto, or of any County. (*See* R. S. C. Order 5, R. 1; Comp. C. L. P. Act, R. S. O., c. 50, s. 10; G. O. Chy, No. 77.) Plaintiff's option.

2. Until otherwise ordered, Writs of Summons for the commencement of Actions in the Queen's Bench and Common Pleas Divisions, shall be issued by the same officers as now issue like Writs for the Courts of Queen's Bench and Common Pleas respectively, and Writs for the like purpose in the Chancery Division, shall be issued by the proper officers hitherto attached to the Court of Chancery. (Comp. C. L. P. Act, R. S. O., c. 50, s. 11; G. O. Chy., Nos. 34-39. Officers to issue Writs.

Office to be noted in margin.

3. The officer issuing the Writ, shall note in the margin from what office and in what County the Writ issued, and shall subscribe his name thereto. (C. L. P. Act, R. S. O., c. 50, s. 9.)

Statement as to appearance.

4. In all cases there shall be a statement on the face of the writ of summons naming the office in which the defendant's appearance is to be entered. (Comp, R. S. C., Order 5, R. 2,3; C. L. P. Act, R. S. O., c. 50, Sch. A, Form 1; G. O. Chy., No. 86, Sch. C.)

(2.) *Option to choose Division in certain Cases.*

Choice of Division.

5. Subject to the power of transfer, every person by whom any cause or matter may be commenced in the High Court of Justice shall assign such cause or matter to any one of the divisions of the said High Court as he may think fit, by marking the document by which the same is commenced with the name of the division, and giving notice thereof to the proper officer of the Court. (R. S. C., Order 5. R. 4.)

(3.) *Generally.*

Preparation of writ.

6. Writs of summons shall be prepared by the plaintiff or his solicitor and shall be written or printed, or partly written and partly printed. (Comp. R. S. C., Order 5, R. 5.)

Sealing and issue of writ.

7. Every writ of summons shall be sealed by the proper officer, and shall thereupon be deemed to be issued. (*Ib.*, R. 6.)

Copy to file.

8. The plaintiff or his solicitor shall, on presenting any writ of summons for sealing, leave with the officer a copy, written or printed, or partly written and partly printed, of such writ, and all the indorsements thereon, and such copy shall be signed by or for the solicitor leaving the same, or by the plaintiff himself if he sues in person. (*Ib.*, R. 7.)

Filing.

9. The officer receiving such copy shall file the same, and an entry of the filing thereof shall be made in a book to be called the cause book, which is to be kept in the manner in which cause books have heretofore been kept by the clerk of records and writs in the Court of Chancery. (Comp. *Ib.*, R. 8.)

Notice of Assignment of Action.

10. Notice to the proper officer of the assignment of an action to any Division of the Court under section 38 of this Act or under Rule 5 of this Order shall be sufficiently given by leaving with him the copy of the writ of summons. (Comp. *Ib.* R. 9.)

ORDER VI.

Concurrent Writs.

Plaintiff may issue concurrent writs.

1. The plaintiff in any action may, at the time of or at any time during six months after the issuing the original writ of summons, issue one or more concurrent writ or writs, each concurrent writ to bear teste of the same day as the original writ, and to be marked by the officer issuing the same with the word "concurrent," in the margin, with the memorandum required by Rule 3 of the preceding Order, and the date of issuing the concurrent writ: Provided always, that such concurrent writ or writs shall only be in force for the period during which the original writ in such action shall be in force. (Comp. R. S. C., Order, 6, R. 1; C. L. P. Act, R. S. O., c. 50, s. 26.)

2. A writ for service within the jurisdiction may be issued and marked as a concurrent writ with one for service, or whereof notice in lieu of service is to be given, out of the jurisdiction; and a writ for service, or whereof notice in lieu of service is to be given, out of the jurisdiction may be issued and marked as a concurrent writ with one for service within the jurisdiction. (R. S. C., Order 6, R. 2:) Concurrent writs for service within and without the jurisdiction.

ORDER VII.

Disclosure by Solicitors and Plaintiffs.

1. Every solicitor whose name shall be indorsed on any writ of summons shall, on demand in writing made by or on behalf of any defendant who has been served therewith or has appeared thereto, declare forthwith whether such writ has been issued by him or with his authority or privity; and if such solicitor shall declare that the writ was not issued by him or with his authority or privity, all proceedings upon the same shall be stayed, and no further proceedings shall be taken thereupon without leave of the Court or a Judge. (R. S. C., Order, 7. R. 1; Comp. R. S. O., c. 50, s. 56.) Whether writ issued by his authority.

2. Where a writ is sued out by partners in the name of their firm, the plaintiffs or their solicitor shall, on demand in writing by or on behalf of any defendant, declare forthwith the names and places of residence of all the persons constituting the firm; and if the plaintiffs or their solicitor shall fail to comply with such demand, all proceedings in the action may, upon an application for that purpose, be stayed upon such terms as the Court or a Judge may direct; and where the names of the partners are so declared, the action shall proceed in the same manner, and the same consequences in all respects shall follow, as if they had been named as the plaintiffs in the writ; but all proceedings shall, nevertheless, continue in the name of the firm. (R. S. C., Order 7, R. 2.) Names and addresses of members of firm suing as partners.

ORDER VIII.

Renewal of Writs.

1. No original writ of summons shall be in force for more than six months from the day of the date thereof, including the day of such date; but if any defendant therein named shall not have been served therewith, the plaintiff may, before the expiration of the six months, apply to a Judge of the High Court or of a County Court for leave to renew the writ; and the Judge, if satisfied that reasonable efforts have been made to serve such defendant, or for other good reason, may order that the original or concurrent writ of summons be renewed for six months from the date of such renewal, and so from time to time during the currency of the renewed writ. And the writ shall in such case be renewed by being marked with the date of the day, month and year of such renewal; such renewal to be so marked by the proper officer, upon delivery to him by the plaintiff or his solicitor of a memorandum in Currency of writ. Renewal.

Form No. 4, in Appendix A, Part I.; and a writ of summons so renewed shall remain in force and be available to prevent the operation of any statute whereby the time for the commencement of the action is limited, and for all other purposes, from the date of the issuing of the original writ of summons. (Comp. R. S. C., Order 8, R. 1; C. L. P. Act, R. S. O., c. 50, s. 27, G. O. Chy., No. 96.)

Effect of renewed writ.

2. The production of a writ of summons purporting to have been renewed in manner aforesaid shall be sufficient *prima facie* evidence of its having been so renewed, and of the commencement of the action as of the first date of such renewed writ for all purposes. (Comp. R. S. C., Order 8, R. 2; C. L. P. Act, R. S. O., c. 50, s. 28.)

ORDER IX.

Amendment of writ.

The Court, or a Judge may, at any stage of the proceedings, allow the plaintiff to amend the writ of summons in such manner, and on such terms, as may seem just. (R. S. C. Feb'y., 1876, R. 6.)

ORDER X.

Service of Writ of Summons.

1.—*Mode of Service.*

Undertaking to accept service.

1. No service of writ shall be required where the defendant by his solicitor agrees to accept service, and enters an appearance. (R. S. C., Order 9, R. 1.)

Personal service.

2. Where service is required the writ shall, wherever it is practicable, be served in the manner in which personal service is now made, but if it be made to appear to the Court or to a Judge that the plaintiff is from any cause unable to effect prompt personal service, the Court or Judge may make such order for substituted or other service, or for the substitution of notice for service as may seem just. (R. S, C., Order 9, R. 2; comp. R. S. O., c. 39, s. 29; c. 40, ss. 28, 29; C. L. P. Act, R. S. O., c. 50, s. 20.)

Substituted service.

2.—*On particular Defendants.*

Husband and wife.

3. Where husband and wife, if living together, are both defendants to the action, service on the husband shall be deemed good service on the wife, but the Court or a Judge may order that the wife shall be served with or without service on the husband. (Comp. R. S. C., Order 9, R. 3.)

Infant.

4. Where an infant is a defendant to the action, service on his or her father or guardian, or if none, then upon the person with whom the infant resides or under whose care he or she is, shall, unless the Court or Judge otherwise orders, be deemed good service on the infant; provided that the Court or Judge may order that service made or to be made on the infant shall be deemed good service. (R. S. C., Order 9, R. 4; comp. G. O Chy., Nos. 517-520.)

Lunatic.

5. Where a lunatic or person of unsound mind not so found by inquisition is a defendant to the action, service on the committee of the lunatic, or on the person with whom the person of unsound mind resides, or under whose care he or she is, shall, unless the Court or Judge otherwise orders, be deemed good service on such defendant. (R. S. C., Order 9; R. 5; comp. G. O. Chy., Nos. 517-520.)

3.—*On Partners and other Bodies.*

Partners.

6. Where partners are sued in the name of their firm, the writ shall be served either upon any one or more of the partners, or at the principal place within the jurisdiction of the business of the partnership, upon any person having at the time of service the control or management of the partnership business there; and, subject to the Rules herein-after contained, such service shall be deemed good service upon the firm. (R. S. C., Order 9, R. 6.

Person doing business under name of firm.

7. Where one person carrying on business in the name of a firm apparently consisting of more than one person, shall be sued in the firm name, the writ may be served at the principal place within the jurisdiction of the business so carried on, upon any person having at the time of service the control or management of the business there; and subject to any of the Rules of the Supreme Court, such service shall be deemed good service on the person so sued. (R. S. C., June, 1876, R. 4.)

Corporations.

8. Wherever, by any statute provision is made for service of any writ of summons, bill, petition, or other process upon any Corporation, or any society or fellowship, or any body or number of persons, whether corporate or otherwise, every writ of summons may be served in the manner so provided. (R. S. C., Order 9, R. 7.)

4.—*In particular Actions.*

Action to recover land.

9. Service of a writ of summons in an action to recover land may, in case of vacant possession, when it cannot otherwise be effected, be made by posting a copy of the writ upon the door of the dwelling-house or other conspicuous part of the property. (R. S. C., Order 9, R. 8; comp. R. S. O., c. 51, s. 8.)

5.—*Generally.*

Indorsement of service.

10. The person serving a writ of summons shall, within three days at most after such service, indorse on the writ the day of the month and week of the service thereof, otherwise the plaintiff shall not be at liberty, in case of non-appearance, to proceed by default; and every affidavit of service of such writ shall mention the day on which such indorsement was made. (R. S. C., Order 9, R. 13; comp. C. L. P. Act, R. S. O., c. 50, s. 25.)

ORDER XI.

Substituted Service.

Substituted service.

Every application to the Court or a Judge, under Order X., Rule 2, for an order for substituted or other service, or for the substitution of notice for service, shall be supported by an

affidavit setting forth the grounds upon which the application is made. (R. S. C., Order 10.)

ORDER XII.

Service out of the Jurisdiction.

(Comp. C. L. P. Act, R. S. O., c. 50, s. 48; R. S. C., Order 2, R. 4; *Ib.*, Order 11; R. S. C., June, 1876, R. 5; G. O. Chy, Nos, 90, 100, 102.)

Time for appearing when service out of the jurisdiction.

1. The time within which a defendant served out of the jurisdiction of the court shall be required to enter his appearance shall be as follows:

(*a*) If the defendant is served in the United States of America, in any city, town, or village, within ten miles from Lake Huron, the River St. Clair, Lake St. Clair, the River Detroit, Lake Erie, the River Niagara, Lake Ontario, or the River St. Lawrence, or in any part of the Dominion of Canada, he is to appear within three weeks after such service.

(*b*) If served within any State of the United States of America not within the limits above described, other than Florida, Texas, or California, he is to appear within four weeks after such service.

(*c*) If served within any part of the United Kingdom, or of the Island of Newfoundland, he is to appear within six weeks after such service.

(*d*) If served elsewhere than within the limits above designated, he is to appear within four calendar months after such service.

Service by publication.

2. In case it appears to the court by sufficient evidence that a defendant is absent, or cannot be found after due diligence to be served with the writ, the court may order the defendant to appear within a time to be named in the order, and may direct a copy of the order to be published in such manner as the court thinks fit; and in case the defendant does not appear within the time limited by such order, the court may order judgment to be entered as on default of appearance.

Saving of existing jurisdiction.

3. The preceding rules shall not interfere with the jurisdiction heretofore existing in any of the courts hereby consolidated and hereby transferred to the High Court, to direct in certain cases, on application in that behalf, that service in any other manner may be good service, or that the time for appearing shall be other than the times named, or to give any special direction as respects a defendant out of the jurisdiction of the court.

ORDER XIII.

Appearance, &c.

Appearance, where entered.

1. All proceedings to final judgment in actions shall be carried on in the office from which the first process issued. (Comp. R. S. C., Order 12, R. 1-5; C. L. P. Act, R. S. O., c. 50, s. 12)

How entered.

2. A defendant shall enter his appearance to a writ of summons by delivering to the proper officer a memorandum in

writing, dated on the day of delivering the same, and containing the name of the defendant's solicitor, or stating that the defendant defends in person. (Comp. *Ib.* R. 5; C. L. P. Act, R. S. O., c. 50, s. 62.)

Address of Solicitor.

3. The solicitor of a defendant appearing by a solicitor shall state in such memorandum his place of business. (Comp. *Ib.*, R. 7.)

Address of defendant in person.

4. A defendant appearing in person shall state in such memorandum his address, and if he resides more than two miles from the office out of which the first process in the cause shall have been issued, a place to be called his address for service, which shall not be more than two miles from such office. (Comp. *Ib.*, R. 8; C. L. P. Act, R. S. O, c. 50, s. 61.)

Where no address or improper address given;

5. If the memorandum does not contain such address it shall not be received; and if any such address shall be illusory or fictitious, the appearance may be set aside by the Court or a Judge, on the application of the plaintiff. (Comp. *Ib.*, R. 9; C. L. P. Act, R. S. O., c. 50, s. 61.)

Form of memorandum.

6. The Memorandum of Appearance shall be in the Form No. 6, Appendix (A), Part I., with such variations as the circumstances of the case may require. (Comp. *Ib.*, R. 10.)

Officer to enter.

7. Upon receipt of a Memorandum of Appearance, the officer shall forthwith enter the appearance in the Cause Book. (*Ib.*, R. 11.)

Partners.

8. Where partners are sued in the name of their firm, they shall appear individually in their own names. But all subsequent proceedings shall, nevertheless, continue in the name of the firm. (*Ib.*, R. 12.)

Appearance by person sued under firm name.

9. Where any person carrying on business in the name of a firm apparently consisting of more than one person shall be sued in the name of the firm, he shall appear in his own name; but all subsequent proceedings shall, nevertheless, continue in the name of the firm. (R. S. C., June, 1876, r. 6.)

Two or more defendants, etc.

10. If two or more defendants in the same action shall appear by the same solicitor and at the same time, the names of all the defendants so appearing shall be inserted in one memorandum. (R. S. C., Order 12, R. 13; Rules of T.T. 1856, No. 2.)

Solictor's undertaking.

11. A solicitor not entering an appearance in pursuance of his written undertaking so to do on behalf of any defendant shall be liable to an attachment. (*Ib.*, R. 14; Rules of T. T, 1856, No. 3.)

When appearance may be entered and notice.

12. A defendant may appear at any time before judgment. If he appear at any time after the time limited for appearance he shall, on the same day, give notice thereof to the plaintiff's solicitor, or to the plaintiff himself if he sues in person, and he shall not, unless the Court or a Judge otherwise orders, be entitled to any further time for delivering his defence, or for any other purpose, than if he had appeared according to the writ. (R. S. C., *Ib.*, R. 15; Comp. C. L, P. Act, R. S. O., c. 50, s. 60).

Appearance by landlord in action for land.

13. Any person not named as a defendant in a writ of summons for the recovery of land, may, by leave of the Court or Judge, appear and defend, on filing an affidavit showing that he is in possession of the land, either by himself or his tenant. (*Ib*, R. 18; R. S. O., c. 51, s. 10.)

Form of appearance by landlord.

14. Any person appearing to defend an action for the recovery of land as landlord in respect of property whereof he is in possession only by his tenant, shall state in his appearance that he appears as landlord. (*Ib.*, R. 19; Comp. R. S. O., c. 51, s. 12.)

Notice of appearance by landlord.

15. Where a person not named as defendant in any writ of summons for the recovery of land has obtained leave of the Court or Judge to appear and defend, he shall enter an appearance according to the foregoing rules, intituled in the action against the party or parties named in the writ as defendant or defendants, and shall forthwith give notice of such appearance to the plaintiff's solicitor, or to the plaintiff if he sues in person, and shall in all subsequent proceedings be named as a party defendant to the action. (*Ib.*, R. 20; Comp. Rules of T.T. 1856, No. 93.)

Limited appearance in action for land.

16. Any person appearing to a writ of summons for the recovery of land shall be at liberty to limit his defence to a part only of the property mentioned in the writ, describing that part with reasonable certainty in his memorandum of appearance; or in a notice intituled in the cause, and signed by him or his solicitor, such notice to be served within four days after appearance; and an appearance where the defence is not so limited shall be deemed an appearance to defend for the whole. (*Ib.*, R. 21; Comp. R. S. O., c. 51, s. 13.)

Notice.

Form of notice.

17. The notice mentioned in the last preceding Rule may be in the Form No. 6 in Part I, of Appendix (A) hereto, with such variations as circumstances may require. (*Ib.*, R. 22.)

ORDER XIV.

Default of Appearance.

By infant or person of unsound mind.

1. Where no appearance has been entered to a writ of summons for a defendant who is an infant, or a person of unsound mind not so found by inquisition, the plaintiff may apply to the Court or a Judge for an order that some proper person be assigned guardian of such defendant, by whom he may appear and defend the action. But no such order shall be made unless it appears on the hearing of such application that the writ of summons was duly served, and that notice of such application was after the expiration of the time allowed for appearance, and at least six clear days before the day in such notice named for hearing the application, served upon or left at the dwelling-house of the person with whom or under whose care such defendant was at the time of serving such writ of summons, and also (in the case of such defendant being an infant not residing with or under the care of his father or guardian) served upon or left at the dwelling-house of the father or guardian, if any, of such infant, unless the Court or Judge at the time of hearing such application shall dispense with such last-mentioned service. (R. S. C.; Order 13, R. 1; G. O. Chy., Nos. 519, 520.)

Proceedings in default of appearance.

2. Where any defendant fails to appear to a writ of summons, and the plaintiff is desirous of proceeding upon default of appearance under any of the following Rules of this Order, or under Order 15, Rule 1, he shall, before taking such proceeding, upon default, file an affidavit of service, or of notice in lieu of service, as the case may be. (*Ib.*, R. 2.)

Where writ specially indorsed.

3. In case of non-appearance by the defendant where the writ of summons is specially indorsed, under Order 3, Rule 5, the plaintiff may sign final judgment for any sum not exceeding the sum indorsed on the writ, together with interest at the rate specified, if any, to the date of the judgment, and a sum

for costs, but it shall be lawful for the Court or a Judge to set aside or vary such judgment upon such terms as may seem just. (*Ib.*, R. 3; R. S. O., c. 50, s. 64.)

Where several defendants.

4 Where there are several defendants to a writ specially indorsed for a debt or liquidated demand in money, under Order 3, Rule 5, and one or more of them appear to the writ, and another or others of them do not appear, the plaintiff may enter final judgment against such as have not appeared, and may issue execution upon such judgment without such prejudice to his right to proceed with his action against such as have appeared. (*Ib.*, R. 4; Comp. C. L. P. Act, R .S. O,. c. 50, s. 69.)

Where writ not specially indorsed.

5. Where the defendant fails to appear to the writ of summons and the writ is not specially indorsed, but the plaintiff's claim is for a debt or liquidated demand only, no statement of claim need be delivered, but the plaintiff may file an affidavit of service or notice in lieu of service, as the case may be, and a statement of the particulars of his claim in respect of the causes of action stated in the indorsement upon the writ, and may, after the expiration of eight days, enter final judgment for the amount shown thereby and costs to be taxed, provided that the amount shall not be more than the sum indorsed upon the writ besides costs. (*Ib.*; R. 5; Comp. C. L. P. Act, R. S. O., c. 50, s. 65.)

Where claim for detention of goods and pecuniary damages.

6. Where the defendant fails to appear to the writ of summons and the plaintiff's claim is not for a debt or liquidated demand only, but for detention of goods and pecuniary damages, or either of them, no statement of claim need be delivered, but interlocutory judgment may be entered, and the value of the goods and the damages, or the damages only, as the case may be, in respect of the causes of action disclosed by the indorsement on the writ of summons, shall be assessed as hitherto, or the Court or a Judge may order that, the value and amount of damages, or either of them, shall be ascertained in any other way in which any question arising in an action may be tried. (Comp. *Ib.*, R. 6; C. L. P. Act, R. S. O., c. 50, s. 65.)

Action for land.

7. In case no appearance shall be entered in an action for the recovery of land, within the time limited for appearance, or if an appearance be entered but the defence be limited to part only, the plaintiff shall be at liberty to enter a judgment that the person whose title is asserted in the writ shall recover possession of the land, or of the part thereof to which the defence does not apply. (*Ib.*, R. 7; Comp. R. S. O., c. 51, s. 20.)

Assessment damages in action for land.

8. Where the plaintiff has indorsed a claim for mesne profits, arrears of rent, or damages for breach of contract, upon a writ for the recovery of land, he may enter judgment as in the last preceding Rule mentioned for the land; and may proceed as in the other preceding Rules of this order as to such other claim so indorsed. (*Ib.*, R. 8.)

ORDER XV.

Leave to Sign Judgment where Writ specially Indorsed.

Leave to sign final judgment.

1. Where the defendant appears to a writ of summons specially indorsed, under Order 3, Rule 5, the plaintiff may, on an affidavit made by himself, or by any other person who can

swear positively to the debt or cause of action, verifying the cause of action, and stating that in his belief there is no defence to the action, call on the defendant to shew cause before the Court or a Judge why the plaintiff should not be at liberty to sign final judgment for the amount so indorsed, together with interest, if any, and costs. A copy of the affidavit shall accompany the summons or notice of motion. The Court or a Judge may thereupon, unless the defendant, by affidavit or otherwise, satisfy the Court or a Judge that he has a good defence to the action on the merits, or disclose such facts as may be deemed sufficient to entitle him to defend the action, make an order empowering the plaintiff to sign judgment accordingly. (R. S. C., May, 1877, r. 3.)

Procedure by summons.

2. The application by the plaintiff for leave to enter final judgment under the last preceding Rule shall be made by summons returnable not less than two clear days after service. (R. S. C., Order 14, R. 2.)

Shewing cause.

3. The defendant may shew cause against such application by offering to bring into Court the sum indorsed on the writ, or by affidavit. In such affidavit he shall state whether the defence he alleges goes to the whole or to part only, and if so, to what part, of the plaintiff's claim. And the Judge may, if he think fit, order the defendant to attend and be examined upon oath; or to produce any books or documents or copies of or extracts therefrom. (*Ib.*, R. 3.)

Defence as to part.

4. If it appears that the defence set up by the defendant applies only to a part of the plaintiff's claim; or that any part of his claim is admitted to be due, the plaintiff shall have judgment forthwith for such part of his claim as the defence does not apply to or as is admitted to be due, subject to such terms, if any, as to suspending execution, or the payment of the amount levied or any part thereof into Court by the sheriff, the taxation of costs, or otherwise, as the Judge may think fit. And the defendant may be allowed to defend as to the residue of the plaintiff's claim. (*Ib.*, R. 4.)

Where several defendants.

5. If it appears to the Judge that any defendant has a good defence to or ought to be permitted to defend the action, and that any other defendant has not such defence and ought not to be permitted to defend, the former may be permitted to defend, and the plaintiff shall be entitled to enter final judgment against the latter, and may issue execution upon such judgment without prejudice to his right to proceed with his action against the former. (*Ib.*, R. 5).

Leave to defend may be absolute or conditional.

6. Leave to defend may be given unconditionally or subject to such terms as to giving security, or otherwise, as the Court or a Judge may think fit. (*Ib.*, R. 6.)

ORDER XVI.

Application for Account where Writ indorsed under Order III., Rule 6.

Action for account.

1. In default of appearance to a summons indorsed under Order 6, Rule 6, and after appearance unless the defendant, by affidavit or otherwise, satisfy the Court or a Judge that there is some preliminary question to be tried, an order for the account claimed, with all directions now usual in the Court of

Chancery in similar cases, shall be forthwith made. (R. S. C., Order 15, R. 1; Comp. G. O. Chy. No. 467 *et. seq.*; Imp. Act 15 & 16 V. c. 86, ss. 45, 47.)

Application to be by summons.

2. An application for such order as mentioned in the last preceding Rule shall be made by summons, and be supported by an affidavit filed on behalf of the plaintiff, stating concisely the grounds of his claim to an account. The application may be made at any time after the time for entering an appearance has expired. (R. S. C., *Ib.*, R. 2.)

Present practice continued.

3. But the preceding two rules are not to prevent orders for the administration of the estate real or personal of a deceased person, or for the partition or sale of an estate from being obtained on motion without any previous summons or other preliminary proceeding, and in the manner provided for by the General Orders of the Court of Chancery in that behalf. (*See* G. O. Chy. Nos. 467 *et. seq.*; 638 *et. seq.*).

ORDER XVII.

(*See* C. L. P. Act, R. S. O. c. 50, ss. 73-83.)

Parties.

Who may be joined as plaintiffs.

1. All persons may be joined as plaintiffs in whom the right to any relief claimed is alleged to exist, whether jointly, severally, or in the alternative. And judgment may be given for such one or more of the plaintiffs as may be found to be entitled to relief, for such relief as he or they may be entitled to, without any amendment. But the defendant, though unsuccessful, shall be entitled to his costs occasioned by so joining any person or persons who shall not be found entitled to relief, unless the Court in disposing of the costs of the action shall otherwise direct. (R. S. C., Order 16, R. 1.)

Substitution and addition of plaintiffs.

2. Where an action has been commenced in the name of the wrong person as plaintiff, or where it is doubtful whether it has been commenced in the name of the right plaintiff or plaintiffs, the Court or a Judge may, if satisfied that it has been so commenced through a *bona fide* mistake, and that it is necessary for the determination of the real matter in dispute so to do, order any other person or persons to be substituted or added as plaintiff or plaintiffs upon such terms as may seem just. (*Ib.*, R. 2; Comp. R. S. O. c. 49, s. 5.)

Who may be joined as defendants.

3. All persons may be joined as defendants against whom the right to any relief is alleged to exist, whether jointly, severally, or in the alternative. And judgment may be given against such one or more of the defendants as may be found to be liable, according to their respective liabilities, without any amendment. (R. S. C., *Ib.*, R. 3.)

Where defendant not interested in all the relief prayed.

4. It shall not be necessary that every defendant to any action shall be interested as to all the relief thereby prayed for, or as to every cause of action included therein; but the Court or a Judge may make such order as may appear just to prevent any defendant from being embarrassed or put to expense by being required to attend any proceedings in such action in which he may have no interest. (*Ib.*, R. 4.)

All or any parties liable on one con-

5. The plaintiff may, at his option, join as parties to the same action all or any of the persons severally, or jointly and

tract may be joined.

severally, liable on any one contract, including parties to bills of exchange and promissory notes. (*Ib.*, R. 5.)

Several defendants in cases of doubt.

6. Where in any action, whether founded upon contract or otherwise, the plaintiff is in doubt as to the person from whom he is entitled to redress, he may, in such manner as hereinafter mentioned, or as may be prescribed by any special order, join two or more defendants, to the intent that in such action the question as to which, if any, of the defendants is liable, and to what extent, may be determined as between all parties to the action. (*Ib.*, R. 6.)

Trustees, executors and administrators.

7. Trustees, executors and administrators may sue and be sued on behalf of, or as representing the property or estate of which they are trustees or representatives, without joining any of the parties beneficially interested in the trust or estate, and shall be considered as representing such parties in the action; but the Court or a Judge may, at any stage of the proceedings, order any of such parties to be made parties to the action, either in addition to, or in lieu of, the previously existing parties thereto. (*Ib.*, R. 7.)

Married women and infants.

8. Married women and infants may respectively sue as plaintiffs by their next friends, in the manner practised in the Court of Chancery before the passing of this Act; and infants may, in like manner, defend any action by their guardians appointed for that purpose. Married women may also sue or defend without their husbands and without next friends, in all cases in which they could now do so according to the practice of the Court of Chancery, and in other cases, by the leave of a Court or a Judge, on giving such security (if any) for costs as the Court or a Judge may require. (Comp. *Ib.*, R. 8.)

Where parties are numerous.

9. Where there are numerous parties having the same interest in one action, one or more of such parties may sue or be sued, or may be authorized by the Court to defend in such action on behalf of, or for the benefit of all parties so inter (*Ib.*, R. 9.)

Persons appointed to represent a class.

10. In any case in which the right of an heir-at-law or the next of kin or a class shall depend upon the construction which the Court may put upon an instrument, and it shall not be known or shall be difficult to ascertain who is or are such heir-at-law or next of kin or class, and the Court shall consider that in order to save expense or for some other reason it will be convenient to have the question or questions of construction determined before such heir-at-law, next of kin or class, shall have been ascertained by means of inquiry or otherwise, the Court may appoint some one or more person or persons to represent such heir-at-law, next of kin or class, and the judgment of the Court in the presence of such person or persons shall be binding upon the party or parties or class so represented. (R. S. C., June, 1876, r. 7.)

Partners.

11. Any two or more persons claiming, or being liable as co-partners, may sue or be sued in the name of their respective firms, if any; and any party to an action may in such case apply by summons to a Judge for a statement of the names of the persons who are co-partners in any such firm, to be furnished in such manner, and verified on oath or otherwise, as the Judge may direct. (R. S. C., Order 16, R. 10.)

Person trading under firm name.

12. Any person carrying on business in the name of a firm, apparently consisting of more than one person, may be sued in the name of such firm. (R. S. C., June, 1876, r. 8.)

13. Subject to the provisions of the Act, and these Rules, the provisions as to parties, contained in Orders 58, 59, 60 and 61 of the General Orders of the Court of Chancery, shall be in force as to actions in the High Court of Justice. (Comp. R. S. C., Order 16, R. 11; Imp. Act, 15 and 16 V., c. 86, s. 42.) Rules of Court of Chancery as to parties.

14. No action shall be defeated by reason of the misjoinder of parties, and the Court may in every action deal with the matter in controversy so far as regards the rights and interests of the parties actually before it. Misjoinder.

(a.) The Court or a Judge may, at any stage of the proceedings, either upon or without the application of either party, and on such terms as may appear to the Court or a Judge to be just, order that the name or names of any party or parties, whether as plaintiffs or as defendants, improperly joined, be struck out, and that the name or names of any party or parties, whether plaintiffs or defendants, who ought to have been joined, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the action, be added.

(b.) No person shall be added as a plaintiff suing without a next friend, or as the next friend of a plaintiff under any disability, without his own consent thereto.

(c.) All parties whose names are so added as defendants shall be served with a summons or notice in manner hereinafter mentioned, or in such manner as may be prescribed by any special order, and the proceedings as against them shall be deemed to have begun only on the service of such summons or notice. (R. S. C., *Ib.*, R. 13.)

15. Any application to add or strike out or substitute a plaintiff or defendant may be made to the Court or a Judge at any time before trial by motion or summons, or at the trial of the action in a summary manner. (*Ib.*, R. 14.) How application is to be made.

16. Where a defendant is added, unless otherwise ordered by the Court or Judge, the plaintiff shall file an amended copy of and sue out a writ of summons, and serve such new defendant with such writ or notice in lieu of service thereof in the same manner as original defendants are served. (*Ib.*, R. 15.) Amended writ against new defendant.

17. If a statement of a claim has been delivered previously to such defendant being added, the same shall, unless otherwise ordered by the Court or Judge, be amended in such manner as the making such new defendant a party shall render desirable, and a copy of such amended statement of claim shall be delivered to such new defendant at the time when he is served with the writ of summons or notice, or afterwards within four days after his appearance. (*Ib.*, R. 16.) Amended statement of claim.

18. Where a defendant is, or claims to be, entitled to contribution or indemnity, or any other remedy or relief over against any other person, or where from any other cause it appears to the Court or a Judge that a question in the action should be determined not only as between the plaintiff and defendant, but as between the plaintiff, defendant and any other person, or between any or either of them, the Court or a Judge may on notice being given to such last-mentioned person, make such order as may be proper for having the question so determined. (*Ib.*, R. 17; *See* s. 29, sub-s. 3, of Act.) Contribution or indemnity between defendants and other persons.

19. Where a defendant claims to be entitled to contribution, indemnity, or other remedy or relief over against any person not a party to the action, he may, by leave of the Court or a Notice to persons not already parties.

Judge, issue a notice to that effect, stamped with the seal with which writs of summons are sealed; a copy of such notice shall be filed with the proper officer and served on such person according to the rules relating to the service of writs of summons; the notice shall state the nature and grounds of the claim, and shall, unless otherwise ordered by the Court or a Judge, be served within the time limited for delivering his statement of defence; such notice may be in the form or to the effect of the Form No. 1 in Appendix (B) hereto with such variations as circumstances may require, and therewith shall be served a copy of the statement of claim, or if there be no statement of claim, then a copy of the writ of summons in the action. (*Ib.*, R. 18.)

Court may direct notice to be given.

20. Where under Rule 18 of this order it is made to appear to the Court or a Judge at any time before or at the trial that a question in the action should be determined, not only as between the plaintiff and defendant, but as between the plaintiff and the defendant and any other person, or between any or either of them, the Court or a Judge, before or at the time of making the order for having such question determined, shall direct such notice to be given by the plaintiff at such time and to such person and in such manner as may be thought proper; and if made at the trial the Judge may postpone such trial as he may think fit. (*Ib.*, R. 19.)

Appearance by third party.

21. If a person not a party to the action, who is served as mentioned in Rule 19, desires to dispute the plaintiff's claim in the action as against the defendant on whose behalf the notice has been given, he must enter an appearance in the action within eight days from the service of the notice; in default of his so doing, he shall be deemed to admit the validity of the judgment obtained against such defendant, whether obtained by consent or otherwise; provided always, that a person so served and failing to appear within the said period of eight days, may apply to the Court or a Judge for leave to appear, and such leave may be given upon such terms, if any, as the Court or a Judge shall think fit. (*Ib.*, R. 20.)

Direction as to mode of determining questions in action.

22. If a person not a party to the action served under these Rules appears pursuant to the notice, the party giving the notice may apply to the Court or a Judge for directions as to the mode of having the question in the action determined; and the Court or a Judge, upon the hearing of such application, may, if it shall appear desirable so to do, give the person so served liberty to defend the action upon such terms as shall seem just, and may direct such pleadings to be delivered, or such amendments in any pleadings to be made, and generally may direct such proceedings to be taken, and give such directions, as to the Court or a Judge shall appear proper for having the question most conveniently determined, and as to the mode and extent in or to which the person so served shall be bound or made liable by the decision of the question. (*Ib.*, R. 21.)

ORDER XVIII.

Joinder of Causes of Action.

What causes of action may be joined.

1. Subject to the following Rules, the plaintiff may unite in the same action and in the same statement of claim several

causes of action, but if it appear to the Court or a Judge that any such causes of action cannot be conveniently tried or disposed of together, the Court or Judge may order separate trials of any of such causes of action to be had, or may make such other order as may be necessary or expedient for the separate disposal thereof. (R. S. C., Order 17, R. 1; C. L. P. Act, R. S. O., c. 50, ss. 84-86.)

Action for recovery of land.

2. No cause of action shall, unless by leave of the Court or a Judge, be joined with an action for the recovery of land, except claims in respect of mesne profits or arrears of rent in respect of the premises claimed, or any part thereof, and damages for breach of any contract under which the same or any part thereof are or is held. (*Ib.*, R. 2; C. L. P. Act, R. S. O., c. 50, s. 84.)

Claims by assignee in insolvency.

3. Claims by an assignee in insolvency as such shall not, unless by leave of the Court or a Judge, be joined with any claim by him in any other capacity. (Comp. *Ib.*, R. 3.)

Claims by or against husband and wife.

4. Claims by or against husband and wife may be joined with claims by or against either of them separately. (*Ib.*, R. 4; C. L. P. Act, R. S. O., c. 50, s. 86.)

Claims by or against executor.

5. Claims by or against an executor or administrator as such may be joined with claims by or against him personally, provided the last mentioned claims are alleged to arise with reference to the estate in respect of which the plaintiff or defendant sues or is sued as executor or administrator. (*Ib.*, R. 5.)

Joint and several claims.

6. Claims by plaintiffs jointly may be joined with claims by them or any of them separately against the same defendant. (*Ib.*, R. 6.)

Power to order separate trial.

7. The last three preceding Rules shall be subject to Rule 1 of this Order, and to the Rules hereinafter contained. (*Ib.*, R. 7.)

Application to strike out.

8. Any defendant alleging that the plaintiff has united in the same action several causes of action which cannot be conveniently disposed of in one action, may at any time apply to the Court or a Judge for an order confining the action to such of the causes of action as may be conveniently disposed of in one proceeding. (*Ib.*, R. 8.)

Order to strike out pleadings.

9. If, on the hearing of such application as in the last preceding rule mentioned, it shall appear to the Court or a Judge that the causes of action are such as cannot all be conveniently disposed of in one action, the Court or a Judge may order any of such causes of action to be excluded, and may direct the statement of claim, or, if no statement of claim has been delivered, the copy of the writ of summons and the indorsement of claim on the writ of summons to be amended accordingly, and may make such order as to costs as may be just. (*Ib.*, R. 9.)

ORDER XIX.

Actions by and against Lunatics and Persons of Unsound Mind.

Insane persons.

In all cases in which lunatics and persons of unsound mind not so found by inquisition might respectively before the passing of the Act have sued as plaintiffs, or would have been liable to be sued as defendants in any action or suit, they may respectively sue as plaintiffs in any action by their committees or next friends in manner practised in the Court

of Chancery before the passing of the said Act, and may in like manner defend any action by their committees or guardians appointed for that purpose. (R. S. C., Order 18.)

ORDER XX.

Pleading Generally.

Old rules abolished.

1. The following Rules of pleading shall be substituted for those heretofore used in the Court of Chancery and in the Courts of Common Law. (Comp. R. S. C., Order 19, R. 1.)

Statement of complaint and defence.

2. Unless the defendant in an action at the time of his appearance shall state that he does not require the delivery of a statement of complaint, the plaintiff shall within such time and in such manner as hereinafter prescribed, deliver to the defendant after his appearance a statement of his complaint and of the relief or remedy to which he claims to be entitled.

(*a.*) The defendant shall, within such time and in such manner as hereinafter prescribed, deliver to the plaintiff a statement of his defence, set-off, or counter-claim (if any.)

(*b.*) Such statements shall be as brief as the nature of the case will admit, and the Court in adjusting the costs of the action shall inquire at the instance of any party into any unnecessary prolixity, and order the costs occasioned by such prolixity to be borne by the party chargeable with the same. (*Ib.*, R. 2.)

(*c.*) The said statements may be amended as hereinafter provided; and no subsequent pleadings shall be allowed except by special order.

Statement of counter-claim.

3. A defendant in an action may set-off, or set up, by way of counter-claim against the claims of the plaintiff, any right or claim, whether such set-off or counter-claim sound in damages or not.

(*a.*) Such set-off or counter-claim shall have the same effect as a statement of claim in a cross-action, so as to enable the Court to pronounce a final judgment in the same action, both on the original and on the cross claim.

(*b.*) But the Court or a Judge may, on the application of the plaintiff before trial, if in the opinion of the Court or Judge such set-off or counter-claim cannot be conveniently disposed of, in the pending action, or ought not to be allowed, refuse permission to the defendant to avail himself thereof. (*Ib.*, R. 3.)

Form of pleadings.

4. Every pleading shall contain as concisely as may be, a statement of the material facts on which the party pleading relies, but not the evidence by which they are to be proved, such statement being divided into paragraphs, numbered consecutively; and each paragraph containing, as nearly as may be, a separate allegation; dates, sums and numbers shall be expressed in figures and not in words; signature of counsel shall not be necessary; forms similar to those in Appendix (C) hereto may be used. (*Ib.*, R. 4.)

Copies of pleadings.

5. Every pleading may be either printed or written, or partly printed and partly written, but no more than four copies of any pleading, or other document are to be allowed to any party, in a cause or matter, exclusive of the draft, but inclusive of all other copies that may be required, or made, in the pro-

gress of the cause. (*See* R. S. C., Order 19, R. 5; G. O. Chy., No. 403.)

Printing pleadings.

6. If more than three copies, exclusive of the draft, are required of any pleading or other document, the party may have the pleading or document printed for the purposes of the cause or matter, and in that case he shall in lieu of all charges for copies be allowed thirty cents per folio of the pleading or document, and his reasonable disbursements of procuring the same to be printed. (*See Ib.* R. 5; G. O. Chy., No. 404.)

Delivery of pleadings.

7. Every pleading or other document required to be delivered to a party, or between parties, shall be delivered to the solicitor of every party who appears by a solicitor, or to the party if he does not appear by a solicitor, but if no appearance has been entered for any party then such pleading or document shall be delivered by being filed with the proper officer. (Comp. *Ib.* R. 6.)

How pleadings delivered should be marked

8. Every pleading in an action shall be delivered between parties, and shall be marked on the face with the date of the day on which it is delivered, and with the reference to the Division to which, the action is assigned, the title of the action, the description of the pleading, and the name and place of business of the solicitor and agent (if any), delivering the same, or the name and address of the party delivering the same if he does not act by a solicitor. (Comp. *Ib.*, R. 7.)

Relief claimed to be stated.

9. Every statement of claim shall state specifically the relief which the plaintiff claims, either simply or in the alternative, and may also ask for general relief. And the same rule shall apply to any counter-claim made, or relief claimed by the defendant, in his statement of defence. If the plaintiff's claim be for discovery only the statement of claim shall shew it. (*Ib.* R. 8.)

Distinct claims or defences.

10. Where the plaintiff seeks relief in respect of several distinct claims or causes of complaint founded upon separate and distinct facts, they shall be stated, as far as may be, separately and distinctly. And the same rule shall apply where the defendant relies upon several distinct grounds of defence, set-off, or counter-claim founded upon separate and distinct facts. (*Ib.*, R. 9.)

Denial of representative capacity.

11. If either party wishes to deny the right of any other party to claim as executor, or as trustee, or as assignee in insolvency, or in any representative or other alleged capacity, or the alleged constitution of any partnership firm, he shall deny the same specifically, or the same will be taken to be admitted. (*See Ib.*, R. 11.)

Bare denial of contracts only denial of the making.

12. Where a contract is alleged in any pleading, a bare denial of the contract by the opposite party shall be construed only as a denial of the making of the contract in fact, and not of its legality or its sufficiency in law, whether with reference to the Statute of Frauds or otherwise. (Comp. *Ib.*, R. 23.)

Effect of document may be stated.

13. Where the contents of any document are material, it shall be sufficient in any pleading to state the effect thereof as briefly as possible, without setting out the whole or any part thereof unless the precise words of the document or any part thereof are material. (*Ib.*, R. 24.)

Allegation of malice, etc.

14. Where it is material to allege malice, fraudulent intention, knowledge or other condition of the mind of any person, it shall be sufficient to allege the same as a fact, without setting out the circumstances from which the same is to be inferred. (*Ib.*, R. 25.)

Allegation of notice.

15. Where it is material to allege notice to any person of any fact, matter or thing, it shall be sufficient to allege such notice as a fact, unless the form or the precise terms of such notice is material. (*Ib.*, R. 26.)

Implied contract.

16. Where any contract or any relation between any persons does not arise from an express agreement, but is to be implied from a series of letters or conversations, or otherwise from a number of circumstances, it shall be sufficient to allege such contract or relation as a fact, and to refer generally to such letters, conversations, or circumstances without setting them out in detail; and if in such case the person so pleading desires to rely in the alternative upon more contracts or relations than one, as to be implied from such circumstances, he may state the same in the alternative. (*Ib.*, R. 27.)

Facts presumed need not be stated.

17. Neither party need in any pleading allege any matter of fact which the law presumes in his favour, or as to which the burden of proof lies upon the other side, unless the same has first been specifically denied.

[E. g.—Consideration for a bill of exchange, where the plaintiff sues only on the bill, and not for the consideration as a substantive ground of claim.] (*Ib.*, R. 28.)

No plea in abatement.

18. No plea or defence shall be pleaded in abatement. (*Ib.*, R. 13.)

No new assignment.

19. No new assignment shall hereafter be necessary or used. But everything which has heretofore been alleged by way of new assignment is hereafter to be introduced by amendment of the statement of claim. (*See Ib.*, R. 14.)

Defence to action for recovery of land.

20. No defendant in an action for the recovery of land who is in possession by himself or his tenant need plead his title, unless his defence depends on an equitable estate or right, or he claims relief upon any equitable ground against any right or title asserted by the plaintiff. But, except in the cases hereinbefore mentioned, it shall be sufficient to state by way of defence that he is so in possession. And he may nevertheless rely upon any ground of defence which he can prove, except as hereinbefore mentioned. (*Ib.*, R. 15; comp. R. S. O., c. 40, s. 87; c. 51, s. 14.)

Not guilty by statute.

21. Nothing in these Rules contained shall affect the right of any defendant to plead not guilty by statute. And every defence of not guilty by statute shall have the same effect as a plea of not guilty by statute has heretofore had. But if the defendant so plead he shall not plead any other defence without the leave of the Court or a Judge. (*Ib.*, R. 16.)

Silence of pleading no admission.

22. Save as above otherwise provided, the silence of a pleading as to any allegation contained in the previous pleading of the opposite party is not to be construed into an implied admission of the truth of such allegation; and any allegation introduced for the purpose of preventing such implied admission, and not for the purpose of shewing the grounds of defence, is to be considered impertinent. (*See Ib.*, R. 21; G. O. Chy., No. 123.)

Admissions to be made.

23. Each party by his pleading is to admit such of the allegations contained in the pleading of the opposite party as are true. (*See* G. O. Chy., No. 124, and Order 23, R. 4 *post.*)

Manner of making admissions.

24. Admissions are, in all cases where it is practicable, to be by reference to the numbers of the paragraphs in the pleading to which they relate, with such qualifications as may be necessary or proper for protecting the interests of the party making such admissions. (*See* G. O. Chy., No. 125.)

25. Each party in any pleading, not being a petition or a summons, must allege all such facts not appearing in the previous pleadings (if any), as he means to rely on, and must raise all such grounds of defence or reply, as the case may be, as if not raised on the pleadings would be likely to take the opposite party by surprise, or would raise new issues of fact not arising out of the pleadings, as for instance, fraud, or that any claim has been barred by the Statute of Limitations, or has been released. (R. S. C., Order 19, R. 18.) What facts must be pleaded.

ORDER XXI.

Pleading Matters arising pending the Action.

1. Any ground of defence which has arisen after action brought, but before the defendant has delivered his statement of defence, may be pleaded by the defendant in his statement of defence, either alone or together with other grounds of defence. Before delivery of defence.

(*a.*) If, after a statement of defence has been delivered, any ground of defence arises to any set-off or counter-claim alleged therein by the defendant, it may be introduced by amendment into the statement of claim within three weeks after the defence or the last of the defences shall have been delivered. (Comp. R. S. C., Order 20, R. 1; Order 24, R. 1.) Before delivery of defence to counter-claim.

2. Where any ground of defence arises after the defendant has delivered his statement of defence, he may, within eight days after such ground of defence has arisen, and by leave of the Court or a Judge, introduce by amendment into his statement of defence the further ground of defence so arising. (Comp. *Ib.*, R. 2.) After delivery of defence.

3. Where any defendant, in his statement of defence, whether by way of amendment or otherwise, alleges any ground of defence which has arisen after the commencement of the action, the plaintiff may deliver a confession of such defence, which confession may be in the Form No. 2 in Appendix (B) hereto, with such variations as circumstances may require, and he may thereupon sign judgment for his costs up to the time of the pleading of such defence unless the Court or a Judge shall, either before or after the delivery of such confession, otherwise order. (*Ib.*, R. 3.) Plaintiff may deliver confession of defence.

4. Where a ground of defence to any set-off or counter-claim arises after the expiration of three weeks from the time of delivering the defence or the last of the defences, the plaintiff may within eight days after such ground of defence has arisen, and by leave of a Court or a Judge, introduce such new ground of defence into his statement of claim by amendment. (Comp. *Ib.*, R. 2.) After delivery of reply.

ORDER XXII.

Statement of Claim.

1. The delivery of statements of claim shall be regulated as follows:— When it must be delivered.

(*a.*) If the defendant shall not state that he does not require the delivery of a statement of claim, the plaintiff shall, unless

otherwise ordered by the Court or a Judge, deliver it within six weeks from the time of the defendant's entering his appearance. (Comp. R. S. C., Order 21, R. 1 (*a*); C. L. P. Act, R. S. O., c. 50, s. 93.)

When it may be delivered.

(*b*.) The plaintiff may, if he think fit, at any time after the issue of the writ of summons, deliver a statement of claim, with the writ of summons, or notice in lieu of summons, or at any time afterwards, either before or after appearance, and although the defendant may have appeared and stated that he does not require the delivery of a statement of claim: Provided that in no case where a defendant has appeared shall a statement be delivered more than six weeks after the appearance has been entered, unless otherwise ordered by the Court or a Judge. (*Ib.*, R. 1 (*b*).

When delivered improperly.

(*c*.) Where a plaintiff delivers a statement of claim without being required to do so, the Court or a Judge may make such order as to the costs occasioned thereby as shall seem just, if it appears that the delivery of a statement of claim was unnecessary or improper. (*Ib.*, R. 1 (*c*).

Notice in lieu of statement.

2. Where the writ is specially indorsed, and the defendant has not dispensed with a statement of claim, it shall be sufficient for the plaintiff to deliver as his statement of claim a notice to the effect that his claim is that which appears by the indorsement upon the writ, unless the Court or a Judge shall order him to deliver a further statement. Such notice may be either written or printed, or partly written and partly printed, and may be in the Form No. 3 in Appendix (B.) hereto, and shall be marked on the face in the same manner as is required in the case of an ordinary statement of claim. And when the plaintiff is ordered to deliver such further statement it shall be delivered within such time as by such Order shall be directed; and if no time be so limited then within the time prescribed by Rule 1 of this Order. (*Ib.*, R. 4.)

ORDER XXIII.

Defence.

When defence must be delivered.

1. Where a statement of claim is delivered to a defendant he shall deliver his defence within sixteen days from the delivery of the statement of claim, or from the time limited for appearance, whichever shall be last, unless such time is extended by the Court or a Judge. (Comp. R. S. C., Order 22, R. 1; C. L. P. Act, R. S. O., c. 50, ss. 100, 101; R. S. O. c. 51, s. 3.)

Where no statement of claim.

2. A defendant who has appeared in an action and stated that he does not require the delivery of a statement of claim, and to whom a statement of claim is not delivered, may deliver a defence at any time within sixteen days after his appearance, unless such time is extended by the Court or a Judge. (Comp. R. S. C., *Ib.*, R. 2.)

Where leave to defend given.

3. Where leave has been given to a defendant to defend under Order XV., Rule 1, he shall deliver his defence, if any, within such time as shall be limited by the order giving him leave to defend, or if no time is thereby limited, then within sixteen days after the order. (*Ib.*, R. 3.)

Costs of unnecessary denials.

4. Where the Court or a Judge shall be of opinion that any allegations of fact denied or not admitted by either or any

party ought to have been admitted, the Court may make such order as shall be just with respect to any extra costs occasioned by their having been denied or not admitted. Comp. *Ib.*, R. 4.)

Where counter-claim affects third persons.

5. Where a defendant by his defence sets up any counter-claim which raises questions between himself and the plaintiff along with any other person or persons, he shall add to the title of his defence a further title similar to the title in a statement of complaint, setting forth the names of all the persons who, if such counter-claim were to be enforced by cross action, would be defendants to such cross action, and shall deliver his defence to such of them as are parties to the action within the period within which he is required to deliver it to the plaintiff. (*Ib.*, R. 5.)

Service of defence on third party.

6. Where any such person as in the last preceding Rule mentioned is not a party to the action, he shall be summoned to appear by being served with a copy of the defence, and such service shall be regulated by the same rules as are hereinbefore contained with respect to the service of a writ of summons, and every defence so served shall be indorsed in the Form No. 4 in Appendix (B.) hereto, or to the like effect. (*Ib.*, R. 6.)

Appearance by third party.

7. Any person not a defendant to the action, who is served with a defence and counter-claim as aforesaid, must appear thereto as if he had been served with a writ of summons to appear in an action. (*Ib.*, R. 7.)

Reply by third party.

8. Any person named in a defence as a party to a counter-claim thereby made may deliver a reply within the time within which he might deliver a defence if it were a statement of claim. (*Ib.*, R. 8.)

Striking out counter-claim.

9. Where a defendant by his statement of defence sets up a counter-claim, if the plaintiff, or any other person named in manner aforesaid as party to such counter-claim, contends that the claim thereby raised ought not to be disposed of by way of counter-claim, but in an independent action, he may at any time within three weeks from the delivery of such statement of defence, apply to the Court or a Judge for an order that such counter-claim may be excluded, and the Court or a Judge may, on the hearing of such application, make such order as shall be just. (Comp. *Ib.*, R. 9.)

Judgment for balance of counter-claim.

10. Where in any action a set-off or counter-claim is established as a defence against the plaintiff's claim, the Court may, if the balance is in favour of the defendant, give judgment for the defendant for such balance, or may otherwise adjudge to the defendant such relief as he may be entitled to upon the merits of the case. (*Ib.*, R. 10.)

ORDER XXIV.

Discontinuance.

Discontinuance.

1. The plaintiff may, at any time before receipt of the defendant's statement of defence, or after the receipt thereof, before taking any other proceeding in the action (save any interlocutory application), by notice in writing, wholly discontinue his action or withdraw any part or parts of his alleged cause of complaint; and thereupon he shall pay the defendant's costs of the action, or if the action be not wholly discontinued, the

Costs.

defendant's costs occasioned by the matter so withdrawn.

(a.) Such costs shall be taxed, and such discontinuance or withdrawal, as the case may be, shall not be a defence to any subsequent action.

Withdrawal of record.

(b.) Save as in this Rule otherwise provided, it shall not be competent for the plaintiff to withdraw the Record or discontinue the action without leave of the Court or a Judge, but the Court or a Judge may, before, or at, or after the hearing or trial, upon such terms as to costs, and as to any other action, and otherwise, as may seem fit, order the action to be discontinued, or any part of the alleged cause of complaint to be struck out.

Striking out defence.

(c.) The Court or a Judge may, in like manner, and with the like discretion as to terms, upon the application of a defendant, order the whole or any part of his alleged grounds of defence or counter-claim to be withdrawn or struck out, but it shall not be competent to a defendant to withdraw his defence, or any part thereof, without such leave. (R. S. C., Order 23, R. 1.)

Withdrawal of record by consent.

2. Where a cause has been entered for trial, it may be withdrawn by either plaintiff or defendant, upon producing to the proper officer a consent in writing, signed by the parties. (R. S. C. Dec., 1875, r. 9.)

Costs on discontinuance.

3. A defendant may sign judgment for the costs of an action if it is wholly discontinued, or for the costs occasioned by the matter withdrawn, if the action be not wholly discontinued. (R.S.C., June, 1876, r. 10.)

ORDER XXV.

Close of Pleadings.

When pleadings closed.

As soon as the time for amending the pleadings under these Rules or under any order made in the action has expired, the pleadings as between such parties shall be deemed to be closed without any joinder of issue being pleaded by any or either party. (Comp. R. S.C., Order 25.)

ORDER XXVI.

Issues.

Settlement of issues.

Where in any action it appears to a Judge that the statement of claim or defence or reply does not sufficiently define the issues of fact in dispute between the parties, he may direct the parties to prepare issues, and such issues shall, if the parties differ, be settled by the Judge. (R. S. C., Order 26.)

ORDER XXVII.

Amendment of Pleadings.

Amendment with leave.

1. The Court or a Judge may, at any stage of the proceedings, allow either party to alter his statement of claim of defence or reply, or may order to be struck out or amended

any matter in such statements respectively which may be scandalous, or which may tend to prejudice, embarrass, or delay the fair trial of the action. All such amendments shall be made as may be necessary for the purpose of determining the real questions or question in controversy between the parties. (R. S. C., Order 27, R. 1. Comp. R. S. O., c. 49, s. 8.)

Amendment by plaintiff without leave.

2. The plaintiff may, without any leave, amend his statement of claim once at any time before the expiration of three weeks from the delivery of the defence or the last of the defences, or, where no defence is delivered, at any time before the expiration of four weeks from the appearance of the defendant who shall have last appeared. (Comp. *Ib.*, R. 2; R. S. C., Order 24 R. 1; *Ib.*, Order 25.)

Amendment by defendant without leave.

3. A defendant who has set up in his defence any set-off or counter-claim, may, without any leave, amend such set-off or counter-claim at any time before the expiration of the time allowed him for pleading to any amendment, or in case there be no amendment of the statement of claim after the delivery of such defence, then at any time before the expiration of twenty-eight days from the filing of his defence. (Comp. R. S. C., Order 27, R. 3.)

Disallowance of amendment

4. Where any party has amended his pleadings under either of the last two preceding Rules, the opposite party may, within eight days after the delivery to him of the amended pleading, apply to the Court, or a Judge, to disallow the amendment, or any part thereof, and the Court or Judge may, if satisfied that the justice of the case requires it, disallow the same, or allow it, subject to such terms as to costs or otherwise as may seem just. (*Ib.*, R. 4.)

Leave to plead or amend after amendment.

5. Where any party has amended his pleading under Rule 2 or 3 of this Order, the other party may without leave amend his former pleading within four days after the delivery of the pleading so amended under such Rule: or he may apply to the Court or a Judge for leave to amend his former pleading within such further time and upon such terms as may seem just. (Comp. *Ib.*, R. 5; Order 24, R. 3.)

Application for leave to amend.

7. In all cases not provided for by the preceding Rules of this Order, application for leave to amend any pleading may be made by either party to the Court or a Judge in Chambers, or to the Judge at the trial of the action, and such amendment may be allowed upon such terms as to costs or otherwise as may seem just. (*Ib.*, R. 6.)

Time limited for amendment.

8. If a party who has obtained an order for leave to amend a pleading delivered by him does not amend the same within the time limited for that purpose by the order, or if no time is thereby limited, then within fourteen days from the date of the order, such order to amend shall, on the expiration of such limited time as aforesaid, or of such fourteen days, as the case may be, become, *ipso facto*, void, unless the time is extended by the Court or a Judge. (*Ib.*, R. 7.)

How alterations to be made.

9. A pleading may be amended by written alterations in the pleading which has been delivered, and by additions on paper to be interleaved therewith if necessary, unless the amendments require the insertion of more than 144 words in any one place, or are so numerous or of such a nature that the making them in writing would render the pleading difficult or inconvenient to read, in either of which cases the amendment must be made by delivering a print or fresh copy of the pleading as amended. (Comp. *Ib.*, R. 8.)

Marking of amended pleadings.

9. Where any pleading is amended, such pleading when amended shall be marked with the date of the order, if any, under which the same is so amended, and of the day on which such amendment is made, in manner following, viz.: "Amended day of ." (*Ib.*, R. 9.)

Delivery of amended pleadings.

10. Where a pleading is amended, such amended pleading shall be delivered to the opposite party within the time allowed for amending the same. (*Ib.*, R. 10.)

ORDER XXVIII.

Demurrer.

Demurrer when allowed.

1. Any party may demur to any pleading of the opposite party, or to any part of a pleading setting up a distinct cause of action, ground of defence, set-off, counter-claim, reply, or, as the case may be, on the ground that the facts alleged therein do not show any cause of action, or ground of defence to a claim or any part thereof, or set off, or counter-claim, or as the case may be, to which effect can be given by the Court as against the party demurring. (*See* R. S. C., Order 28, R. 1.)

Form of demurrer.

2. A demurrer shall state specifically whether it is to the whole or to a part, and if so, to what part, of the pleading of the opposite party. It shall state some ground in law for the demurrer, but the party demurring shall not, on the argument of the demurrer, be limited to the ground so stated. A demurrer may be in the Form 16 in Appendix (C) hereto. If there is no ground, or only a frivolous ground of demurrer stated, the Court or a Judge may set aside such demurrer, with costs (*Ib*, R. 2.)

Delivery of demurrer.

3. A demurrer shall be delivered in the same manner and within the same time as any other pleading in the action. (*Ib.*, R. 3.)

Demurrer and defence to be combined.

4. A defendant desiring to demur to part of a statement of claim, and to put in a defence to the other part, shall combine such demurrer and defence in one pleading. And so in every case where a party entitled to put in a further pleading desires to demur to part of the last pleading of the opposite party, he shall combine such demurrer and other pleading. (*Ib.*, R. 4.)

Leave to demur and plead to the same matter.

5. If the party demurring desires to be at liberty to plead as well as to demur to the matter demurred to, he may, before demurring, apply to the Court or a Judge for an order giving him leave to do so; and the Court or Judge, if satisfied that there is reasonable ground for the demurrer, may make an order accordingly, or may reserve leave to him to plead after the demurrer is overruled, or may make such other order and upon such terms as may be just. *Ib.*, R. 5.)

Entry for argument.

6. Where the demurrer either to the whole or part of a pleading is delivered, either party may enter the demurrer for argument immediately, and the party so entering such demurrer shall on the same day give notice thereof to the other party.

Effect of not entering.

If the demurrer shall not be entered and notice thereof given within ten days after delivery, and if the party whose pleading is demurred to does not within such time serve an order for leave to amend, the demurrer shall be held sufficient, for the same purposes and with the same result as to costs, as if it had been allowed on argument. (*Ib.*, R. 6.)

7. While a demurrer to the whole or any part of a pleading is pending, such pleading shall not be amended unless by order of the Court or a Judge; and no such order shall be made except on payment of the costs of the demurrer. (*Ib.*, R. 7.) No amendment pending demurrer.

8. Where a demurrer to the whole or part of any pleading is allowed upon argument, the party whose pleading is demurred to shall, unless the Court otherwise order, pay to the demurring party the costs of the demurrer. (*Ib.*, R. 8.) Costs of successful demurrer.

9. If a demurrer to the whole of a statement of claim be allowed, the plaintiff, subject to the power of the Court to allow the statement of claim to be amended, shall pay to the demurring defendant the costs of the action, unless the Court shall otherwise order. (*Ib.*, R. 9.) Costs on successful demurrer to plaintiff's claim.

10. Where a demurrer to any pleading or part of a pleading is allowed in any case not falling within the last preceding Rule, then (subject to the power of the Court to allow an amendment) the matter demurred to shall as between the parties to the demurrer be deemed to be struck out of the pleadings, and the rights of the parties shall be the same as if it had not been pleaded. (*Ib.*, R. 10.) Effect of demurrer to part being allowed.

11. Where a demurrer is overruled the demurring party shall pay to the opposite party the costs occasioned by the demurrer, unless the Court shall otherwise direct. (*Ib.*, R. 11.) Costs of unsuccessful demurrer.

12. Where a demurrer is overruled the Court may make such order and upon such terms as to the Court shall seem right for allowing the demurring party to raise by pleading any case he may be desirous to set up in opposition to the matter demurred to. (*Ib.*, R. 12.) Pleadings after demurrer is overruled.

13. A demurrer shall be entered for argument by delivering to the proper officer a memorandum of entry in the Form No. 17 in Appendix (C.) (*Ib.*, R. 13.) Form of entry for argument.

ORDER XXIX.

Default of Pleading.

1. If the plaintiff, being bound to deliver a statement of claim, does not deliver the same within the time allowed for that purpose, the defendant may, at the expiration of that time, apply to the Court or a Judge to dismiss the action with costs, for want of prosecution; and on the hearing of such application the Court or Judge may, if no statement of claim have been delivered, order the action to be dismissed accordingly, or may make such other order on such terms as to the Court or Judge shall seem just. (R. S. C., Order 29, R. 1.) Dismissal of action on plaintiff's default.

2. If the plaintiff's claim be only for a debt or liquidated demand, and the defendant does not, within the time allowed for that purpose, deliver a defence or demurrer, the plaintiff may, at the expiration of such time, enter final judgment for the amount claimed, with costs. (*Ib.*, R. 2.) Judgment on defendant's default.

3. Where in any such action as in the last preceding Rule mentioned there are several defendants, if one of them make default as mentioned in the last preceding Rule, the plaintiff may enter final judgment against the defendant so making default, and issue execution upon such judgment without prejudice to his right to proceed with his action against the other defendants. (*Ib.*, R. 3.) Where several defendants.

Interlocutory judgment on default.

4. If the plaintiff's claim be for detention of goods and pecuniary damages, or either of them, and the defendant makes default as mentioned in Rule 2, the plaintiff may enter an interlocutory judgment against the defendant, and the value of the goods, and the damages, or the damages only, as the case may be, shall be assessed as hitherto. But the Court or a Judge may order that the value and amount of damages, or either of them, shall be ascertained in any other way in which any question arising in an action may be tried. (Comp., *Ib.*, R. 4.)

Where several defendants.

5. Where in any such action as in Rule 4 mentioned there are several defendants, if one of them make default as mentioned in Rule 2, the plaintiff may enter an interlocutory judgment against the defendant so making default, and proceed with his action against the others. And in such case, damages against the defendant making default shall be assessed at the same time with the trial of the action or issues therein against the other defendants, unless the Court or a Judge shall otherwise direct. (*Ib.*, R. 5.)

Where debt and damages claimed.

6. If the plaintiff's claim be for a debt or liquidated demand, and also for detention of goods and pecuniary damages, or pecuniary damages only, and the defendant makes default as mentioned in Rule 2, the plaintiff may enter final judgment for the debt or liquidated demand, and also enter interlocutory judgment for the value of the goods and the damages, or the damages only, as the case may be, and proceed as mentioned in Rule 4. (*Ib.*, R. 6.

Default by defendant in action for land.

7. In an action for the recovery of land, if the defendant makes default as mentioned in Rule 2, the plaintiff may enter a judgment that the person whose title is asserted in the writ of summons shall recover possession of the land, with his costs. (*Ib.*, R. 7.)

Where claim for land and damages.

8. Where the plaintiff has endorsed a claim for mesne profits, arrears of rent, or damages for breach of contract, upon a writ for the recovery of land, if the defendant makes default as mentioned in Rule 2, or if there be more than one defendant, and some or one of the defendants make such default, the plaintiff may enter judgment against the defaulting defendant or defendants, and proceed as mentioned in Rules 4 and 5. (*Ib.*, R. 8.)

Other actions.

9. In all other actions than those in the preceding Rules of this Order mentioned, if the defendant makes default in delivering a defence or demurrer, the plaintiff may set down the action on motion for judgment, and such judgment shall be given as upon the statement of claim the Court shall consider the plaintiff to be entitled to. (*Ib.*, R. 10.)

Where several defendants, and one makes default.

10. Where, in any such action as mentioned in the last preceding Rule, there are several defendants, then, if one of such defendants make such default as aforesaid, the plaintiff may either set down the action at once on motion for judgment against the defendant so making default, or may set it down against him at the time when it is entered for trial or set down on motion for judgment against the other defendants. (*Ib.* R. 11.)

Default at a later stage.

11. If the plaintiff does not deliver a reply or demurrer, or any party does not deliver any subsequent pleading, or a demurrer, within the period allowed for that purpose, the pleadings shall be deemed to be closed at the expiration of that period as if such plaintiff or party had joined issue on the last pleading delivered. (*Ib.*, R. 12.)

12. In any case in which issues arise in an action other than between plaintiff and defendant, if any party to any such issue makes default in delivering any pleading, the opposite party may apply to the Court or a Judge for such judgment, if any, as upon the pleadings he may appear to be entitled to. And the Court may order judgment to be entered accordingly, or may make such other order as may be necessary to do complete justice between the parties. (*Ib.*, R. 13.) In case of issues between parties other than plaintiff and defendant.

13. Any judgment by default, whether under this Order or under any other of these Rules, may be set aside by the Court or a Judge, upon such terms as to costs or otherwise as such Court or Judge may think fit. (*Ib.*, R. 14.) Judgment for default may be set aside on terms.

ORDER XXX.

Payment into Court in Satisfaction.

1. Where any action is brought to recover a debt or damages, any defendant may at any time after service of the writ, and before or at the time of delivering his defence, or by leave of the Court or a Judge at any later time, pay into Court a sum of money by way of satisfaction or amends. Payment into Court shall be pleaded in the defence, and the claim or cause of action in respect of which such payment shall be made shall be specified therein. (R. S. C., Order 30, R. 1.) In what cases and at what time.

2. Such sum of money shall be paid as hitherto into the proper bank or to the proper officer, and the proper officer shall give a receipt for the same. If such payment be made before delivering his defence the defendant shall thereupon serve upon the plaintiff a notice that he has paid in such money, and in respect of what claim, in the Form No. 5, in Appendix (B.) hereto. (Comp. *Ib.*, R. 2.) How paid.

3. Money paid into Court as aforesaid may, unless otherwise ordered by a Judge, be paid out to the plaintiff, or to his solicitor, on the written authority of the plaintiff. No affidavit shall be necessary to verify the plaintiff's signature to such written authority unless specially required by the officers of the court. (*Ib.*, R. 3.) Payment out.

4. The plaintiff, if payment into Court is made before delivering a defence, may within four days after receipt of notice of such payment, or if such payment is first stated in a defence delivered then, may, before reply, accept the same in satisfaction of the causes of action in respect of which it is paid in; in which case he shall give notice to the defendant in the Form No. 6 in Appendix (B.) hereto, and shall be at liberty, in case the sum paid in is accepted in satisfaction of the entire cause of action, to tax his costs, and in case of non-payment within forty-eight hours, to sign judgment for his costs so taxed. (*Ib.*, R. 4.) Acceptance in satisfaction.

ORDER XXXI.

Discovery and Inspection.

1. In case any party examines another before the trial, or otherwise than at the trial of an action, the Court in adjusting Costs of examination.

the costs of the action shall at the instance of any party inquire or cause inquiry to be made into the propriety of having made such examination, and if it is the opinion of the taxing master or of the Court or Judge that such examination has been had unreasonably or vexatiously, the costs occasioned by the examination shall be borne by the party in fault. (Comp. R. S. C., Order 31, R. 2; C. L. P. Act, R. S. O., c. 50, ss. 156-167.)

Order for production of documents.

2. It shall be lawful for the Court or a Judge at any time during the pendency therein of any action or proceeding, to order the production by any party thereto, upon oath, of such of the documents in his possession or power, relating to any matter in question in such action or proceeding, as the Court or Judge shall think right; and the Court may deal with such documents, when produced, in such manner as shall appear just. (*Ib.*, R. 11.)

Discovery after close of pleadings.

3. Any party after the close of the pleadings, may without filing any affidavit obtain an order of course on præcipe, directing any other party to the action to make discovery on oath of the documents which are or have been in his possession or power, relating to any matter in question in the action. (Comp. *Ib.*, R. 12.)

Discovery before close of pleadings.

4. Before the close of the pleadings, any party may, without filing any affidavit, apply to a Judge for an order directing any other party to the action to make discovery on oath of the documents which are or have been in his possession or power, relating to any matter in question in the action. (Comp. *Ib.*, R. 12.)

Affidavit in answer.

5. The affidavit to be made by a party against whom such order as is mentioned in the last preceding two Rules has been made, shall specify which, if any, of the documents therein mentioned, he objects to produce, and it may be in the Form No. 7, in Appendix (B) hereto, with such variations as circumstances may require. (*Ib.*, R. 13.)

Notice to produce documents referred to in pleadings or affidavits.

6. Every party to an action or other proceeding shall be entitled, at any time before or at the hearing thereof, by notice in writing, to give notice to any other party, in whose pleadings or affidavits reference is made to any document, to produce such document for the inspection of the party giving such notice, or of his solicitor, and to permit him or them to take copies thereof; and any party not complying with such notice shall not afterwards be at liberty to put any such document in evidence on his behalf in such action or proceeding, unless he shall satisfy the Court that such document relates only to his own title, he being a defendant to the action, or that he had some other sufficient cause for not complying with such notice. (*Ib.*, R. 14.)

Form of notice to produce.

7. Notice to any party to produce any documents referred to in his pleading or affidavits may be in the Form No. 8 in Appendix (B) hereto, or to the same effect. (*Ib.*, R. 15.)

Notice to inspect.

8. The party to whom such notice is given shall, within two days from the receipt of such notice, if all the documents therein referred to have been set forth by him in such affidavit as is mentioned in Rule 5, or if any of the documents referred to in such notice have not been set forth by him in any such affidavit, then within four days from the receipt of such notice, deliver to the party giving the same a notice stating a time within three days from the delivery thereof at which the documents, or such of them as he does not object to produce, may be inspected at the office of his solicitor, and stating which (if

any) of the documents he objects to produce and on what ground. Such notice may be in the Form No. 9, in Appendix (B) hereto, with such variations as circumstances may require. (*Ib.*, R. 16.)

Order for inspection.

9. If the party served with notice under Rule 7 omits to give such notice of a time for inspection, or objects to give inspection, the party desiring it may apply to a Judge for an order for inspection. (*Ib.*, R. 17.)

Application for order.

10. Every application for an order for inspection of documents shall be to a Judge. And except in the case of documents referred to in the pleadings or affidavits of the party against whom the application is made, or disclosed in his affidavit of documents, such application shall be founded upon an affidavit showing of what documents inspection is sought, that the party applying is entitled to inspect them, and that they are in the possession or power of the other party. (*Ib.*, R. 18.)

When inspection objected to.

11. If the party from whom discovery of any kind or inspection is sought objects to the same, or any part thereof, the Court or a Judge may, if satisfied that the right to the discovery or inspection sought depends on the determination of any issue or question in dispute in the action, or that for any other reason it is desirable that any issue or question in dispute in the action should be determined before deciding upon the right to the discovery or inspection, order that such issue or question be determined first, and reserve the question as to the discovery or inspection. (*Ib.*, R. 19,)

Consequences of disobeying an order for discovery.

12. If any party fails to comply with any order for discovery or inspection of documents, he shall be liable to attachment. He shall also, if a plaintiff, be liable to have his action dismissed for want of prosecution, and, if a defendant, to have his defence, if any, struck out, and to be placed in the same position as if he had not defended, and the party who obtained the order for discovery or inspection may apply to the Court or a Judge for an order to that effect, and an order may be made accordingly. (Comp. *Ib.*, R. 20.)

Application for attachment.

13. Service of an order for discovery or inspection made against any party on his solicitor shall be sufficient service to found an application for an attachment for disobedience to the order. But the party against whom the application for an attachment is made may show in answer to the application that he has had no notice or knowledge of the order. (*Ib.*, R. 21.)

Solicitor disobeying order.

14. A solicitor upon whom an order against any party for discovery or inspection is served under the last Rule, who neglects without reasonable excuse to give notice thereof to his client, shall be liable to an attachment. (*Ib.*, R. 21.)

Part of examination to be evidence.

15. Any party may, at the trial of an action or issue, use in evidence any part of the examination of the opposite parties; provided always, that in such case the Judge may look at the whole of the examination, and if he shall be of opinion that any other part is so connected with the part to be so used that the last-mentioned part ought not to be used without such other part, he may direct such other part to be put in evidence. (Comp. *Ib.*, R. 23.)

ORDER XXXII.

Admissions.

Notice of admission of statements of opponent.

1. Any party to an action may give notice, by his own statement or otherwise, that he admits the truth of the whole or any part of the case stated or referred to in the statement of claim, or defence of any other party. (R. S. C., Order 32, R. 1; *See ante*, Order 19, R. 17.)

Notice to admit documents.

2. Either party may call upon the other party to admit any document, saving all just exceptions; and in case of refusal or neglect to admit, after such notice, the costs of proving any such document shall be paid by the party so neglecting or refusing, whatever the result of the action may be, unless at the hearing or trial the Court certify that the refusal to admit was reasonable; and no costs of proving any document shall be allowed unless such notice be given, except where the omission to give the notice is, in the opinion of the taxing officer, a saving of expense. (*Ib.*, R. 2.)

Form of notice.

3. A notice to admit documents may be in the Form No. 10, in Appendix (B) hereto. (*Ib.*, R. 3.)

Proof of admissions.

4. The production of any written admissions purporting to be admissions in the action, and to be made in pursuance of any notice to admit documents or otherwise, and to be signed by the solicitor of the party by whom, or on whose behalf, they purport to be made, shall be sufficient *prima facie* evidence of such admissions. (Comp. *Ib.*, R. 4.)

ORDER XXXIII.

Inquiries and Accounts.

At what stage directed.

The Court or a Judge may, at any stage of the proceedings in a cause or matter, direct any necessary inquiries or accounts to be made or taken, notwithstanding that it may appear that there is some special or further relief sought for, or some special issue to be tried, as to which it may be proper that the cause or matter should proceed in the ordinary manner. (R. S. C., Order 33.)

ORDER XXXIV.

Questions of Law.

Parties may concur in stating special case.

1. The parties may, after the writ of summons has been issued, concur in stating the questions of law arising in the action in the form of a special case for the opinion of the Court.

(*a.*) Every such special case shall be divided into paragraphs numbered consecutively, and shall concisely state such facts and documents as may be necessary to enable the Court to decide the questions raised thereby.

(*b.*) Upon the argument of such case the Court and the parties shall be at liberty to refer to the whole contents of such documents, and the Court shall be at liberty to draw from the facts and documents stated in any such special case any inference, whether of fact or law, which might have been drawn therefrom if proved at a trial. (R, S. C., Order 34, R. 1; Comp. C. L. P. Act, R. S. O., c. 50, s. 181.)

2. If it appears to the Court or a Judge, either from the statement of claim or defence, or otherwise, that there is in any action a question of law, which it would be convenient to have decided before any evidence is given or any question or issue of fact is tried, or before any reference is made to a referee or an arbitrator, the Court or Judge may make an order accordingly, and may direct such question of law to be raised for the opinion of the Court, either by special case or in such other manner as the Court or Judge may deem expedient; and all such further proceedings as the decision of such question of law may render unnecessary may thereupon be stayed. (*Ib.*, R. 2.) Preliminary question of law.

3. Every special case, whether stated under this or any other statute, shall be signed by the several parties or their solicitors, and shall be filed by the plaintiff. Copies for the use of the Judges shall be delivered by the plaintiff. (Comp. *Ib.*, R. 3.) Preparing case.

4. No special case in an action to which a married woman, infant, or person of unsound mind is a party shall be set down for argument without leave of the Court or a Judge, the application for which must be supported by sufficient evidence that the statements contained in such special case, so far as the same affect the interest of such married woman, infant, or person of unsound mind, are true. (*Ib.*, R. 4.) Persons under disability.

5. Either party may enter a special case for argument by delivering to the proper officer a memorandum of entry, in the Form No. 11 in Appendix (B) hereto, and also if any married woman, infant, or person of unsound mind be a party to the action, producing a copy of the order giving leave to enter the same for argument. (*Ib.*, R. 5.) Entry for argument.

ORDER XXXV.

Trial.

1. There shall be no local venue for the trial of any action, but the plaintiff shall in his statement of claim name the county town in which he proposes that the action shall be tried, and the action shall, unless a Judge otherwise orders, be tried in the place so named. Any order of a Judge, as to such place of trial, may be discharged or varied by a Divisional Court of the High Court. (Comp. R. S. C., Order 36, R. 1.) Venue abolished.

2. After the close of the pleadings either party may give notice of trial, or if the plaintiff does not within six weeks after the close of the pleadings, or within such extended time as the Court or a Judge may allow, give notice of trial, the defendant, instead of giving notice of trial, may apply to the Court or Judge to dismiss the action for want of prosecution; and on the hearing of such application, the Court or a Judge may order the action to be dismissed accordingly, or may make such other order, and on such terms, as to the Court or Judge may seem just. (Comp. R. S. C., June 1876, R. 13; R. S. C., Order 36, R. 4; G. O. Chy.. No. 161.) Notice of trial. Order to dismiss for want of prosecution.

3. Subject to the provisions of the Act and of the preceding Rules, the Court or a Judge may, in any action at any time or from time to time, order that different questions of fact arising therein be tried by different modes of trial, or that one or more questions of fact be tried before the others, and may appoint Trial of different questions in different modes.

the place or places for such trial or trials, and in all cases may order that one or more issues of fact be tried before any other or others. (Comp. R. S. C., Order 36, R. 6.)

Trial by jury

4. Every trial of any question or issue of fact by a Jury shall be held before a single Judge, unless such trial be specially ordered to be held before two or more Judges. *Ib.*, R. 7.)

Form of notice of trial.

5. Notice of trial shall state whether it is for the trial of the action or of issues therein; and the place and day for which it is to be entered for trial. It may be in the form No. 12 in Appendix (B), with such variations as circumstances may require. (Comp. *Ib.*, R. 8.)

Ten days' notice.

6. Ten days' notice of trial shall be given, unless the party to whom it is given has consented to take short notice of trial; and shall be sufficient in all cases, unless otherwise ordered by the Court or a Judge. Short notice of trial shall be four days notice. (*Ib.*, R. 9; comp. C. L. P. Act, R. S. O., c. 50, s. 244.)

Short notice four days.

Notice must be given before entry of cause.

7. Notice of trial shall be given before entering the action for trial. (*Ib.*, R. 10.)

No countermand except by leave.

8. No notice of trial shall be countermanded, except by consent, or by leave of the Court or a Judge, which leave may be given subject to such terms as to costs, or otherwise, as may be just. (R. S. C., Order 36, R. 13; C. L. P. Act, R. S. O., c. 50, s. 245.)

Entry for trial.

9. After notice of trial is given either party may enter the action for trial. If both parties enter the action for trial, it shall be tried in the order of the plaintiff's entry. (*Ib.*, R. 15.)

Copy of pleadings.

10. The party entering the action for trial shall deliver to the officer one copy of the whole of the pleadings in the action, for the use of the Judge at the trial. (Comp. *Ib.*, R. 17; R. S. C., Dec., 1875, R. 14.)

Non-appearance of defendant.

11. If, when an action is called on for trial, the plaintiff appears, and the defendant does not appear, then the plaintiff may prove his claim, so far as the burden of proof lies upon him. (R. S. C., Order 36, R. 18.)

Non-appearance of Plaintiff.

12. If, when an action is called on for trial, the defendant appears, and the plaintiff does not appear, the defendant, if he has no counter-claim, shall be entitled to judgment dismissing the action, but if he has a counter-claim then he may prove such claim so far as the burden of proof lies upon him. (*Ib.*, R. 19.)

Setting aside judgment by default.

13. Any verdict or judgment obtained where one party does not appear at the trial, may be set aside by the Court or a Judge upon such terms as may seem fit, upon an application made within six days after the trial; such application may be made either at the assizes or sittings at which the trial took place, or in Toronto. (Comp. *Ib.*, R. 20.)

Adjournment of trial.

14. The Judge may, if he think it expedient for the interest of justice, postpone or adjourn the trial for such time, and upon such terms, if any, as he shall think fit. (*Ib.*, R. 21.)

Judge may direct entry of judgment on findings; or leave party to move for judgment.

15. Upon the trial of an action, the Judge may, at or after the trial, direct that judgment be entered for any or either party, or adjourn the case for further consideration, or leave any party to move for judgment. No judgment shall be entered after a trial without the order of a Court or Judge. (Comp. R. S. C., December, 1876, R. 3).

By whom entries of findings to be made.

16. Where the officer present at the trial is not the officer by whom judgments ought to be entered, the associate shall enter

all such findings of fact as the Judge may direct to be entered, and the directions, if any, of the Judge as to judgment, and the certificates, if any, granted by the Judge, in a book to be kept for the purpose. (R. S. C., Order 36, R. 23.)

Certificate of associate.

17. If the Judge shall direct that any judgment be entered for any party absolutely, the certificate of the associate to that effect shall be a sufficient authority to the proper officer to enter judgment accordingly. The certificate may be in the Form No. 13 in Appendix (B) hereto. (*Ib.*, R. 24.)

Trial before referee.

18. Where any cause or matter, or any question in any cause or matter, is referred to a Referee, he may, subject to the order of the Court or a Judge, hold the trial at, or adjourn it to, any place which he may deem most convenient, and have any inspection or view, either by himself or with his assessors (if any), which he may deem expedient for the better disposal of the controversy before him. He shall, unless otherwise directed by the Court or a Judge, proceed with the trial *de die in diem* in a similar manner as in actions tried by a jury. (*Ib.*, R. 30).

Proceedings at trial before referee.

19. Subject to any order to be made by the Court or Judge ordering the same, evidence shall be taken at any trial before a Referee, and the attendance of witnesses may be enforced by subpœna, and every such trial shall be conducted in the same manner, as nearly as circumstances will admit, as trials before a Judge of the High Court, but not so as to make the tribunal of the Referee a public court of justice. (*Ib.*, R. 31).

Referee has authority of Judge.

20. Subject to any such order as last aforesaid, the Referee shall have the same authority in the conduct of any reference or trial as a Judge of the High Court when presiding at any trial before him. (*Ib.*, R. 32).

But not to commit to prison.

21. Nothing in these Rules contained shall authorize any Referee to commit any person to prison or to enforce any order by attachment or otherwise. (*Ib.* R. 33).

Referee may submit questions to the Court.

22. The Referee may, before the conclusion of any trial before him, or by his report under the reference made to him, submit any question arising therein for the decision of the Court, or state any facts specially, with power to the Court to draw inferences therefrom, and in any such case the order to be made on such submission or statement shall be entered as the Court may direct; and the Court shall have power to require any explanations or reasons from the Referee, and to remit the cause or matter, or any part thereof, for re-trial or further consideration to the same or any other Referee, or the Court may decide the question referred to any Referee on the evidence taken before him, either with or without additional evidence as the Court may direct. (*Ib.*, 34 as amended by R. S. C., March, 1879, R., 5.)

ORDER XXXVI.

Evidence Generally.

Evidence on trial of action.

1. In the absence of any agreement between the parties, and subject to these Rules, the witnesses at the trial of any action or any assessment of damages, shall be examined *viva voce* and in open Court, but the Court or a Judge may at any time for sufficient reason order that any particular fact or facts may be proved by affidavit, or that the affidavit of any witness may be

read at the hearing or trial, on such conditions as the Court or Judge may think reasonable, or that any witness whose attendance in Court ought for some sufficient cause to be dispensed with, be examined before an examiner; provided that where it appears to the Court or Judge that the other party *bona fide* desires the production of a witness for cross-examination, and that such witness can be produced, an order shall not be made authorizing the evidence of such witness to be given by affidavit. (Comp. R. S. C., Order 37, R. 1).

Evidence on motion, petition or summons.

2 Upon any motion, petition, or summons evidence may be given by affidavit; but the Court or a Judge may, on the application of either party, order the attendance for cross-examination of the person making any such affidavit. (*Ib.*, R. 2).

Affidavits how framed.

3 Affidavits shall be confined to such facts as the witness is able of his own knowledge to prove, except on interlocutory motions, on which statements as to his belief, with the grounds thereof, may be admitted . The costs of every affidavit which shall unnecessarily set forth matters of hearsay, or argumentative matter, or copies of or extracts from documents, shall be paid by the party filing the same. (*Ib.*, R. 3).

Depositions.

4. The Court or a Judge may, in any cause or matter where it shall appear necessary for the purposes of justice, make any order for the examination upon oath before any officer of the Court, or any other person or persons, and at any place, of any witness or person, and may order any deposition so taken to be filed in the Court, and may empower any party to any such cause or matter to give such deposition in evidence therein, on such terms, if any, as the Court or Judge may direct. (*Ib.*, R. 4).

ORDER XXXVII.

Evidence by Affidavit,

When to be filed by plaintiff.

1. Within fourteen days after a consent for taking evidence by affidavit as between the plaintiff and the defendant has been given, or within such time as the parties may agree upon, or a Judge in Chambers may allow, the plaintiff shall file his affidavits and deliver to the defendant or his solicitor a list thereof. (R. S. C., Order 38, R. 1).

When to be filed by defendant.

2. The defendant within fourteen days after delivery of such list, or within such time as the parties may agree upon, or a Judge in Chambers may allow, shall file his affidavits and deliver to the plaintiff or his solicitor a list thereof. (*Ib.*, R. 2).

Filing affidavits in reply.

3. Within seven days after the expiration of the said fourteen days, or such other time as aforesaid, the plaintiff shall file his affidavits in reply, which affidavits shall be confined to matter strictly in reply, and shall deliver to the defendant or his solicitor a list thereof. (*Ib.*, R. 3.)

Cross-examination on affidavit.

4. Where the evidence is taken by affidavit, any party desiring to cross-examine a deponent who has made an affidavit filed on behalf of the opposite party, may serve upon the party by whom such affidavit has been filed, a notice in writing, requiring the production of the deponent for cross-examination before the Court at the trial, such notice to be served at any time before the expiration of fourteen days next after the end of the time allowed for filing affidavits in reply, or within such time as in any case the Court or a Judge may specially appoint;

and unless such deponent is produced accordingly, his affidavit shall not be used as evidence unless by the special leave of the Court. The party producing such deponent for cross-examination shall not be entitled to demand the expenses thereof in the first instance from the party requiring such production. (*Ib.*, R. 4.)

Compelling attendance of witness.

5. The party to whom such notice as is mentioned in the last preceding Rule is given, shall be entitled to compel the attendance of the deponent for cross-examination in the same way as he might compel the attendance of a witness to be examined. (*Ib.*, R. 5.)

Notice of trial.

6. Where the evidence in any action is under this order taken by affidavit, the notice of trial shall be given at the same time or times after the close of the evidence, as in other cases is by these Rules provided after the close of the pleadings. (Comp. *Ib.*, R. 6.)

ORDER XXXVIII.

Motion for New Trial.

Application for new trial: to what Court.

1. Where there has been a trial by a jury, any application for a new trial shall be to a Divisional Court. And where the trial has been by a Judge without a jury, the application for a new trial may be to a Divisional Court or to the Court of Appeal. (*See* R. S. C., Dec., 1876, r. 5.).

Motion, time to move.

2. Applications to Divisional Courts of the High Court for new trials shall be by motion calling on the opposite party to shew cause at the expiration of eight days from the date of the order, or so soon after as the case can be heard, why a new trial should not be directed. Such motion shall be made within the times following, unless the Court or a Judge shall enlarge the time:

An application to a Divisional Court for a new trial, if the trial has taken place in Toronto, shall be made within four days after the trial, or on the first subsequent day on which a Divisional Court, to which the application may be made, shall have actually sat to hear motions. If the trial has taken place elsewhere than in Toronto, the motion shall be made within the first four days of the next following sittings of such Divisional Court, if such day occurs during or within a week immediately before a vacation. (R. S. C., March, 1879, r. 6.)

Service of order nisi.

3. A copy of such order shall be served on the opposite party within four days from the time of the same being made. (Comp. R. S. C., Order 39, R. 2.)

Restrictions on new trials.

4. A new trial shall not be granted on the ground of misdirection or of the improper admission or rejection of evidence, unless in the opinion of the Court to which the application is made some substantial wrong or miscarriage has been thereby occasioned in the trial of the action; and if it appear to such Court that such wrong or miscarriage affects part only of the matter in controversy, the Court may give final judgment as to part thereof, and direct a new trial as to the other part only. (*Ib.*, R. 3.)

New trial as to part.

5. A new trial may be ordered on any question in an action, whatever be the grounds for the new trial, without interfering with the finding or decision upon any other question. (*Ib.*, R. 4.)

Stay of proceedings.

6. An order to show cause shall be a stay of proceedings in the action, unless the Court shall order that it shall not be so as to the whole or any part of the action. (*Ib.*, R. 5.)

ORDER XXXIX.

Motion for Judgment.

In what cases.

1. Except where by the Act or by these Rules it is provided that judgment may be obtained in any other manner, the judgment of the Court shall be obtained by motion for judgment. (R. S. C., Order 40, R. 1.)

On leave to move.

2. Where at the trial of an action a Referee has ordered that any judgment be entered subject to leave to move, the party to whom leave has been reserved shall set down the action on motion for judgment, and give notice thereof to the other parties within ten days after the trial. The notice of motion shall state the grounds of the motion, and the relief sought, and that the motion is pursuant to leave reserved. (Comp. *Ib.*, R. 2.)

Notice of motion.

Motion where judgment at trial wrong on facts found.

3. Where at or after the trial of an action by a jury, the Judge has directed that any judgment be entered, any party may, without any leave reserved, apply to set aside such judgment, and enter any other judgment on the ground that the judgment directed to be entered is wrong, by reason of the Judge having caused the finding to be wrongly entered with reference to the finding of the jury upon the question or questions submitted to them.

Where, at or after the trial of an action before a Judge, the Judge has directed that any judgment be entered, any party may, without any lease reserved, apply to set aside such judgment and to enter any other judgment, upon the ground that, upon the finding as entered, the judgment so directed is wrong.

An application under this Rule may be to a Divisional Court or to the Court of Appeal. (R. S. C., Dec., 1876, r. 7.)

Motion where judgment wrong on finding entered.

4. Where at a trial of an action a Referee has directed that any judgment be entered, any party may, without any leave reserved, move to set aside such judgment, and to enter any other judgment, on the ground that upon the finding as entered the judgment so directed is wrong. (Comp. R. S. C., Order 40, R. 5.)

After trial of issues of fact.

5. Where issues have been ordered to be tried, or issues or questions of fact to be determined in any manner, the plaintiff may set down the action on motion for judgment as soon as such issues or questions have been determined. If he does not so set it down, and give notice thereof to the other parties within ten days after his right so to do has arisen, then after the expiration of such ten days any defendant may set down the action on motion for judgment, and give notice thereof to the other parties. (*Ib.*, R. 7.)

After trial of some only of the issues of fact.

6. Where issues have been ordered to be tried, or issues or questions of fact to be determined in any manner, and some only of such issues or questions of fact have been tried or determined, any party who considers that the result of such trial or determination renders the trial or determination of the others of them unnecessary, or renders it desirable that the trial or determination thereof should be postponed, may apply to the

Court or a Judge for leave to set down the action on motion for judgment, without waiting for such trial or determination. And the Court or Judge may, if satisfied of the expediency thereof, give such leave, upon such terms, if any, as shall appear just, and may give any directions which may appear desirable as to postponing the trial of the other questions of fact. (*Ib.*, R. 8.)

No motion after one year.

7. No action shall, except by leave of the Court or a Judge, be set down on motion for judgment after the expiration of one year from the time when the party seeking to set down the same first became entitled so to do. (*Ib.*, R. 9.)

Court may order motion to stand over and direct issues etc., to be tried.

8. Upon a motion for judgment, or for a new trial, the Court may, if satisfied that it has before it all the materials necessary for finally determining the questions in dispute, or any of them, or for awarding any relief sought, give judgment accordingly, or may, if it shall be of opinion that it has not sufficient materials before it to enable it to give judgment, direct the motion to stand over for further consideration, and direct such issues or questions to be tried or determined, and such accounts and inquiries to be taken and made as it may think fit. (*Ib.*, R. 10.)

Summary relief on motion upon admissions in pleadings.

9. Any party to an action may at any stage thereof apply to the Court or a Judge for such order as he may, upon any admissions of fact in the pleadings, be entitled to, without waiting for the determination of any other question between the parties. The foregoing Rules of this Order shall not apply to such applications, but any such application may be made by motion, as soon as the right of the party applying to the relief claimed has appeared from the pleadings. The Court or a Judge may, on any such application, give such relief, subject to such terms, if any, as such Court or Judge may think fit. (*Ib.*, R. 11.).

ORDER XL.

Entry of Judgment.

Judgment how entered.

1. Every judgment shall be entered by the proper officer in the book to be kept for the purpose. The party entering the judgment shall deliver to the officer a copy of the whole of the pleadings in the action other than any petition or summons: Provided that no copy need be delivered of any pleading—a copy of which has been delivered on entering any previous judgment in such action. The forms in Appendix (D) hereto may be used, with such variations as circumstances may require. (Comp. R. S. C., Order 41, R. 1.)

Date of entry when judgment pronounced in Court.

2. Where any judgment is pronounced by the Court or a Judge in Court, the entry of the judgment shall be dated as of the day on which such judgment is pronounced, and the judgment shall take effect from that date. (*Ib.*, R. 2.)

Date of entry in other cases.

3. In all cases not within the last preceding Rule, the entry of judgment shall be dated as of the day on which the requisite documents are left with the proper officer for the purpose of such entry, and the judgment shall take effect from that date. (*Ib.*, R. 3.)

Entry on affidavit, etc.

4. Where under the Act or these Rules, or otherwise, it is provided that any judgment may be entered or signed upon the filing of any affidavit or production of any document, the officer shall examine the affidavit or document produced, and

Officer to ex-

amine document.

if the same be regular and contain all that is by law required, he shall enter judgment accordingly. (*Ib.*, *R.* 4.)

Entry on order or certificate.

5. Where by the Act or these Rules, or otherwise, any judgment may be entered pursuant to any order or certificate, or return to any writ, the production of such order or certificate, sealed with the seal of the Court, or of such return, shall be a sufficient authority to the officer to enter judgment accordingly. (*Ib.* R. 5.)

Nonsuit.

6. Any judgment of nonsuit, unless the Court or a Judge otherwise directs, shall have the same effect as a judgment upon the merits for the defendant; but in any case of mistake, surprise or accident, any judgment of nonsuit may be set aside on such terms, as to payment of costs and otherwise, as to the Court or a Judge shall seem just. (*Ib.*, R. 6.)

ORDER XLI.

Execution.

On judgment for recovery of money.

1. A judgment for the recovery by or payment to any person of money may be enforced by any of the modes by which a judgment or decree for the payment of money of any Court whose jurisdiction is transferred by the said Act might have been enforced at the time of the passing thereof. (R. S. C., Order 42, R 1.)

On judgment for payment into Court.

2. A judgment for the payment of money into Court may be enforced by writ of sequestration, or in cases in which attachment is authorized by law, by attachment. (*Ib.*, R. 2.)

Writ of possession of land.

3. A judgment for the recovery or for the delivery of the possession of land may be enforced by writ of possession. (*Ib.*, R. 3.)

On judgment for recovery of other property

4. A judgment for the recovery of any property other than land or money may be enforced:

By writ for delivery of the property:

By writ of attachment:

By writ of sequestration. (*Ib.*,, R 4.)

Judgment requiring person to do or leave undone.

5. A judgment requiring any person to do any act other than the payment of money, or to abstain from doing anything, may be enforced by writ of attachment, or by committal. (*Ib.*, R. 5.)

Meaning of "Writ of execution," and "issuing of execution."

6. In these Rules the term "writ of execution" shall include writs of fieri facias, capias, sequestration, and attachment, and all subsequent writs that may issue for giving effect thereto. And the expression "issuing execution against any party" shall mean the issuing of any such process against his person or property as under the preceding Rules of this Order shall be applicable to the case. (*Ib.*, R. 6.)

Judgment for conditional relief.

7. Where a judgment is to the effect that any party is entitled to any relief subject to or upon the fulfilment of any condition or contingency, the party so entitled may, upon the fulfilment of the condition or contingency, and demand made upon the party against whom he is entitled to relief, apply to the Court or a Judge for leave to issue execution against such party. And the Court or Judge may, if satisfied that the right to relief has arisen according to the terms of the judgment, order that execution issue accordingly, or may direct that any issue or question necessary for the determination of the rights

of the parties be tried in any of the ways in which questions arising in an action may be tried. (*Ib.*, R. 7.)

Judgment against partners.

8. Where a judgment is against partners in the name of the firm, execution may issue in manner following:

(*a.*) Against any property of the partners as such;

(*b.*) Against any person who has admitted on the pleadings that he is, or has been adjudged to be a partner;

(*c.*) Against any person who has been served, as a partner, with the writ of summons, and has failed to appear.

If the party who has obtained judgment claims to be entitled to issue execution against any other person as being a member of the firm, he may apply to the Court or a Judge for leave so to do; and the Court or Judge may give such leave if the liability be not disputed, or if such liability be disputed, may order that the liability of such person be tried and determined in any manner in which any issue or question in an action may be tried and determined. (*Ib.*, R. 8.)

Documents to be produced.

9. No writ of execution shall be issued without the production to the officer by whom the same should be issued, of the judgment upon which the writ of execution is to issue, or an office copy thereof, showing the date of entry. And the officer shall be satisfied that the proper time has elapsed to entitle the judgment creditor to execution. (*Ib.*, R. 9.)

Præcipe for writ.

10. No writ of execution shall be issued without the party issuing it, or his solicitor, filing a præcipe for that purpose. The præcipe shall contain the title of the action, the reference to the record, the date of the judgment, and of the order, if any, directing the execution to be issued, the names of the parties against whom, or of the firms against whose goods, the execution is to be issued; and shall be signed by or on behalf of the solicitor of the party issuing it, or by the party issuing it, if he do so in person. The forms in Appendix (E) hereto may be used, with such variations as circumstances may require. (*Ib.*, R. 10 as amended by R. S. C. June, 1876, R. 17.)

Indorsement of name and address.

11. Every writ of execution shall be indorsed with the name and place of abode or office of business of the solicitor actually suing out the same, and when the solicitor actually suing out the writ shall sue out the same as agent for another solicitor, the name and place of abode of such other solicitor shall also be indorsed upon the writ; and in case no solicitor shall be employed to issue the writ, then it shall be indorsed with a memorandum expressing that the same has been sued out by the plaintiff or defendant in person, as the case may be, mentioning the city, town, or other place, and also the name of the street, and number of the house of such plaintiff's or defendant's residence, if any such there be. (Comp. *Ib.*, R. 11.)

Date.

12. Every writ of execution shall bear date of the day on which it is issued. The forms in Appendix (F.) hereto may be used, with such variations as circumstances may require. (*Ib.*. R. 12.)

Poundage, etc.

13. In every case of execution the party entitled to execution may levy the poundage, fees, and expenses of execution, over and above the sum recovered. (*Ib.*, R. 13.)

Indorsements on writ.

14. Every writ of execution for the recovery of money shall be indorsed with a direction to the sheriff, or other officer or person to whom the writ is directed, to levy the money really due and payable and sought to be recovered under the judgment, stating the amount, and also to levy interest thereon, if sought to be recovered, at the rate of six per cent. per annum

from the time when the judgment was entered up; provided that in cases where there is an agreement between the parties that more than six per cent. interest shall be secured by the judgment, then the indorsement may be accordingly to levy the amount of interest so agreed. (Comp. *Ib.*, R. 14.)

Fi. fa., how soon it may issue.

15. Every person to whom any sum of money or any costs shall be payable under a judgment, shall immediately after the time when the judgment was duly entered, be entitled to sue out one or more writ or writs of *fieri facias* to enforce payment thereof, subject nevertheless as follows:

(*a*) If the judgment is for payment within a period therein mentioned, no such writ as aforesaid shall be issued until after the expiration of such period.

(*b*) The Court or Judge at the time of giving judgment, or the Court or a Judge afterwards, may give leave to issue execution before, or may stay execution until any time after the expiration of the periods hereinbefore prescribed. (Comp. *Ib.*, R. 15.)

Currency of writ.

16. A writ of execution if unexecuted shall remain in force for one year only from its issue, unless renewed in the manner hereinafter provided; but such writ may, at any time before its expiration, by leave of the Court or a Judge, be renewed by the party issuing it, for one year from the date of such renewal, and so on from time to time during the continuance of the renewed writ, either by being marked in the margin with a memorandum signed by the proper officer who issued such writ, or by his successor in office, stating the date of the day, month, and year of such renewal, or by such party giving a written notice of renewal to the Sheriff, signed by the party or his attorney, and having the like memorandum; and a writ of execution so renewed shall have effect, and be entitled to priority, according to the time of the original delivery thereof. (Comp. *Ib.*, R. 16; R. S. O. c. 66, s. 11.)

Proof of renewal.

17. The production of a writ of execution, or of the notice renewing the same, purporting to be marked with the memorandum in the last preceding rule mentioned, showing the same to have been renewed, shall be sufficient *prima facie* evidence of its having been renewed. (Comp. *Ib.*, R. 17; R. S. O., c. 66, s. 12.)

Execution within six years.

18. As between the original parties to a judgment, execution may issue at any time within six years from the recovery of the judgment. (*Ib.*, R. 18.)

Execution after six years, or change of parties.

19. Where six years have elapsed since the judgment, or any change has taken place by death or otherwise in the parties entitled or liable to execution, the party alleging himself to be entitled to execution may apply to the Court or a Judge for leave to issue execution accordingly. And such Court or Judge may, if satisfied that the party so applying is entitled to issue execution, make an order to that effect, or may order that any issue or question necessary to determine the rights of the parties, shall be tried in any of the ways in which any question in an action may be tried. And in either case such Court or Judge may impose such terms as to costs or otherwise, as shall seem just. (*Ib.*, R. 19.)

Execution on orders.

20. Every order of the Court or a Judge, whether in an action, cause, or matter, may be enforced in the same manner as a judgment to the same effect. (*Ib.*, R. 20.)

In case of persons not parties.

21. In cases other than those mentioned in Rule 18 any person not being a party in an action, who obtains any order or

in whose favour any order is made, shall be entitled to enforce obedience to such order by the same process as if he were a party to the action; and any person not being a party in an action, against whom obedience to any judgment or order may be enforced, shall be liable to the same process for enforcing obedience to such judgment or order as if he were a party to the action. (*Ib.*, R. 21.)

Application in lieu of audita querela.

22. No proceeding by *audita querela* shall hereafter be used; but any party against whom judgment has been given may apply to the Court or a Judge for a stay of execution or other relief against such judgment, upon the ground of facts which have arisen too late to be pleaded; and the Court or Judge may give such relief and upon such terms as may be just. R. 22.)

Saving of existing rights.

23. Nothing in any of the Rules of this Order shall take away or curtail any right heretofore existing to enforce or give effect to any judgment or order in any manner or against any person or property whatsoever. *Ib.*, R. 23.)

Nothing to affect order of writs.

24. Nothing in this Order shall affect the order in which writs of execution may be issued. (*Ib.*, R. 24)

ORDER XLII.

Writs of Fieri Facias.

Writs of fi. fa.

1. Writs of *fieri facias* shall have the same force and effect as the like writs have heretofore had, and shall be executed in the same manner in which the like writs have heretofore been executed. (R. S. C., Order 43, R. 1.)

Other writs.

2. Writs of venditioni exponas, and all writs in aid of a writ of fieri facias, may be issued and executed in the same cases and in the same manner as heretofore. (Comp. *Ib.*, R. 2.)

ORDER XLIII.

Attachment.

Effect of attachment.

1. A writ of attachment shall have the same effect as a writ of attachment issued out of the Court of Chancery has heretofore had. (R. S. C., Order 44, R. 1.)

Leave to issue attachment.

2. No writ of attachment shall be issued without the leave of the Court or a Judge, to be applied for on notice to the party against whom the attachment is to be issued. (*Ib.*, R. 2.)

ORDER XLIV.

Attachment of Debts.

Application for examination of judgment debtor.

1. Where the judgment is for the recovery by or payment to any person of money, the party entitled to enforce it may apply to the Court or a Judge for an order that the judgment debtor be orally examined as to whether any and what debts are owing to him, before an officer of the Court, or such

other person as the Court or Judge shall appoint; and the Court or Judge may make an order for the examination of such judgment debtor, and for the production of any books or documents. (R. S. C., Order 45, R. 1; comp. C. L. P, Act; R. S. O. c. 50, s. 304.)

Court or Judge may order attachment of debts.

2. The Court or a Judge may, upon the *ex parte* application of such judgment creditor, either before or after such oral examination, and upon affidavit by himself or his solicitor stating that judgment has been recovered, and that it is still unsatisfied, and to what amount, and that any other person is indebted to the judgment debtor, and is within the jurisdiction, order that all debts owing or accruing from such third person (hereinafter called the garnishee) to the judgment debtor shall be attached to answer the judgment debt; and by the same or any subsequent order it may be ordered that the garnishee shall appear before the Court or a Judge or an officer of the Court, as such Court or Judge shall appoint, to show cause why he should not pay the judgment creditor the debt due from him to the judgment debtor, or so much thereof as may be sufficient to satisfy the judgment debt. (*Ib.*, R. 2; comp. C. L. P. Act, R. S. O. c. 50, s. 307.)

Order that garnishee appear.

Order for attachment to bind debts.

3. Service of an order that debts due or accruing to the judgment debtor shall be attached, or notice thereof to the garnishee, in such manner as the Court or Judge shall direct, shall bind such debts in his hands. (*Ib.*, R. 3; comp. C. L. P. Act, R. S. O. c. 50, s. 308.)

Order for execution against garnishee.

4. If the garnishee does not forthwith pay into court the amount due from him to the judgment debtor, or an amount equal to the judgment debt, and does not dispute the debt due or claimed to be due from him to the judgment debtor, or if he does not appear upon summons, then the Court or Judge may order execution to issue, and it may issue accordingly, without any previous writ or process, to levy the amount due from such garnishee, or so much thereof as may be sufficient to satisfy the judgment debt. (*Ib.*, R. 4; comp. C. L. P. Act, R. S. O. c. 50, s. 309.)

Issue where garnishee disputes liability.

5. If the garnishee disputes his liability, the Court or Judge instead of making an order that execution shall issue, may order that any issue or question necessary for determining his liability be tried or determined in any manner in which any issue or question in an action may be tried or determined. (*Ib.*, R. 5; comp. C. L. P. Act, R. S. O. c. 50, s. 310.)

Order for third person to appear.

6. Whenever in proceeding to obtain an attachment of debts it is suggested by the garnishee that the debt sought to be attached belongs to some third person, or that any third person has a lien or charge upon it, the Court or Judge may order such third person to appear and state the nature and particulars of his claim upon such debt. (*Ib.*, R. 6; comp. C. L. P. Act, R. S. O. c. 50, s. 313.)

Proceedings as to claims of third persons.

7. After hearing the allegations of such third person under such order, and of any other person whom by the same or any subsequent order the Court or a Judge may order to appear, or in case of such third person not appearing when ordered, the Court or Judge may order execution to issue to levy the amount due from such garnishee, or any issue or question to be tried or determined according to the preceding Rules of this Order, and may bar the claim of such third person, or make such other order as such Court or Judge shall think fit, upon such terms, in all cases, with respect to the lien or charge (if

any) of such third person, and to costs, as the Court or Judge shall think just and reasonable. (*Ib.*, R. 7.; comp. C. L. P. Act, R. S. O. c. 50, s. 313, sub-s. 2)

Garnishee discharged by payment.

8. Payment made by or execution levied upon the garnishee under any such proceeding as aforesaid shall be a valid discharge to him as against the judgment debtor, to the amount paid or levied, although such proceedings may be set aside, or the judgment reversed. (*Ib.*, R. 8; comp. C. L. P. Act, R. S. O. c. 50, s. 317.)

Attachment book to be kept by proper officer.

9. There shall be kept by the proper officer a debt attachment book, and in such book entries shall be made of the attachment and proceedings thereon, with names, dates, and statements of the amount recovered, and otherwise; and copies of any entries made therein may be taken by any person upon application to the proper officer. (*Ib.*, R. 9; comp. C. L. P. Act. R. S. O. c. 50, s. 320.)

Costs of application.

10. The costs of any application for an attachment of debts and of any proceedings arising from or incidental to such application, shall be in the discretion of the Court or a Judge. (*Ib.*, R. 10; Comp. C. L. P. Act, R. S. O. c. 50, s. 321.)

ORDER XLV.

Writ of Possession.

Writ to recover possession of land.

1. A judgment that a party do recover possession of any land may be enforced by writ of possession in manner heretofore used in actions of ejectment in the Superior Courts of Common Law. (R. S. C., Order 48, R. 1.)

Writ may issue on filing affidavit.

2. Where by any judgment any person therein named is directed to deliver up possession of any lands to some other person the person prosecuting such judgment shall, without any order for that purpose, be entitled to sue out a writ of possession on filing an affidavit shewing due service of such judgment and that the same has not been obeyed. (*Ib.*, R. 2.)

ORDER XLVI.

Writ of Delivery.

How issued and enforced.

A writ for delivery of any property other than land or money may be issued and enforced in the manner heretofore in use in actions of detinue in the Superior Courts of Common Law. (R. S. C., Order 49.)

ORDER XLVII.

Change of Parties by Death.

(Comp. C. L. P. Act, R. S. O. c. 50, ss. 228-242; G. O. Chy. Nos. 337-341.)

Action not to abate by reason of marriage etc.

1. An action shall not become abated by reason of the marriage, death, or bankruptcy of any of the parties, if the cause of

Devolution of estate.

action survive or continue, and shall not become defective by the assignment, creation, or devolution of any estate or title pendente lite. (R. S. C., Order 50, R. 1.)

Court or Judge may order successor in interest to be made party.

2. In case of the marriage, death, or bankruptcy, or devolution of estate by operation of law, of any party to an action, the Court or Judge may, if it be deemed necessary for the complete settlement of all the questions involved in the action, order that the husband, personal representative, trustee or other successor in interest, if any, of such party be made a party to the action, or be served with notice thereof in such manner and form as hereinafter prescribed, and on such terms as the Court or Judge shall think just, and shall make such order for the disposal of the action as may be just. (*Ib.*, R. 2.)

On devolution of estate.

3. In case of an assignment, creation, or devolution of any estate or title pendente lite, the action may be continued by or against the person to or upon whom such estate or title has come or devolved. (*Ib.*, R. 3.)

Order to add parties on change of interest may be ex parte.

4. Where by reason of marriage, death, or bankruptcy, or any other event occurring after the commencement of an action, and causing a change or transmission of interest or liability, or by reason of any person interested coming into existence after the commencement of the action, it becomes necessary or desirable that any person not already a party to the action should be made a party thereto, or that any person already a party thereto should be made a party thereto in another capacity, an order that the proceedings in the action shall be carried on between the continuing parties to the action, and such new party or parties, may be obtained ex parte on application to the Court or a Judge, upon an allegation of such change, or transmission of interest or liability, or of such person interested having come into existence. (*Ib.*, R. 4.)

Service of order.

5. An order so obtained shall, unless the Court or Judge shall otherwise direct, be served upon the continuing party or parties to the action, or their solicitors, and also upon each such new party, (unless the person making the application be himself the only new party), and the order shall from the time of such service, subject nevertheless to the next two following Rules, be binding on the persons served therewith; and every person served therewith who is not already a party to the action shall be bound to enter an appearance thereto within the same time and in the same manner as if he had been served with a writ of summons. (*Ib.*, R. 5.)

Application to discharge order.

6. Where any person who is under no disability or under no disability other than coverture, or being under any disability other than coverture, but having a guardian ad litem in the action, shall be served with such order, such person may apply to the Court or a Judge to discharge or vary such order at any time within twelve days from the service thereof. (*Ib.*, R. 6.)

Application to discharge order by persons under disability.

7. Where any person being under any disability other than coverture, and not having had a guardian ad litem appointed in the action, is served with any such order, such person may apply to the Court or a Judge to discharge or vary such order at any time within twelve days from the appointment of a guardian or guardians ad litem for such party, and until such period of twelve days shall have expired such order shall have no force or effect as against such last mentioned person. (*Ib.*, R. 7.)

ORDER XLVIII.

Transfers and Consolidation.

Transfer under administration order.

1. Where an order has been made by any Judge of the Chancery Division for the administration of the assets of any testator or intestate, the Judge before whom such administration shall be pending shall have power, without any further consent, to order the transfer to such Judge of any action pending in any other Division by or against the executors or administrators of the testator or intestate whose assets are being so administered. (R. S. C., June, 1876, r. 18.)

Consolidation of actions.

2. Actions in any division or divisions may be consolidated by order of the Court or a Judge in the manner heretofore in use in the Superior Courts of Common Law. (R. S. C., Order 51, R. 4.)

ORDER XLIX.

Interlocutory Orders as to Mandamus, Injunctions, or Interim Preservation of Property, &c.

Order for interim preservation of property.

1. Where by any contract a prima facie case of liability is established, and there is alleged as matter of defence a right to be relieved wholly or partially from such liability, the Court or a Judge may make an order for the preservation or interim custody of the subject-matter of the litigation, or may order that the amount in dispute be brought into Court or otherwise secured. (R. S. C., Order 52, R. 1.)

Sale of perishable goods.

2. It shall be lawful for the Court or a Judge, on the application of any party to any action, to make any order for the sale, by any person or persons named in such order, and in such manner and on such terms as to the Court or Judge may seem desirable, of any goods, wares, or merchandise which may be of a perishable nature or likely to injure from keeping, or which for any other just and sufficient reason it may be desirable to have sold at once. (*Ib.* R. 2.)

Order for detention and inspection of property.

3. It shall be lawful for the Court or a Judge, upon the application of any party to an action, and upon such terms as may seem just, to make any order for the detention, preservation, or inspection of any property, being the subject of such action, and for all or any of the purposes aforesaid to authorize any person or persons to enter upon or into any land or building in the possession of any party to such action, and for all or any of the purposes aforesaid to authorize any samples to be taken, or any observation to be made or experiment to be tried, which may seem necessary or expedient for the purpose of obtaining full information or evidence. (*Ib.*, R. 3.)

Application under rules 2 & 3.

4. An application for an order under section thirty, sub-section seven, of the Act, or under Rules 2 or 3 of this Order, may be made to the Court or a Judge by any party. If the application be by the plaintiff for an order under the said sub-section seven, it may be made either ex parte or with notice, and if for an order under the said Rules 2 or 3 of this Order, it may be made, after notice to the defendant, at any time after the issue of the writ of summons, and if it be by

any other party, then on notice to the plaintiff, and at any time after appearance by the party making the application. (*Ib.*, R. 4.)

Application under rule 1.

5. An application for an order under Rule 1 may be made by the plaintiff at any time after his right thereto appears from the pleadings; or, if there be no pleadings, is made to appear by affidavit or otherwise to the satisfaction of the Court or a Judge. (*Ib.*, R. 5.)

Amount of lien claimed may be paid into Court, and property delivered up.

6. Where an action is brought to recover, or a defendant in his statement of defence seeks by way of counter-claim to recover, specific property other than land, and the party from whom such recovery is sought does not dispute the title of the party seeking to recover the same, but claims to retain the property by virtue of a lien or otherwise, as security for any sum of money, the Court or a Judge may at any time after such last-mentioned claim appears from the pleadings, or, if there be no pleadings, by affidavit or otherwise to the satisfaction of such Court or Judge, order that the party claiming to recover the property be at liberty to pay into Court, to abide the event of the action, the amount of money in respect of which the lien or security is claimed, and such further sum (if any) for interest and costs as such Court or Judge may direct, and that upon such payment into Court being made, the property claimed be given up to the party claiming it. (*Ib.*, R. 6.)

Conduct of sale under trusts of will or settlement.

7. Wherever the trusts of any will or settlement are being administered, and a sale is ordered of any property vested in the trustees of such will or settlement upon trust for sale or with power of sale by such trustees, the conduct of such sale shall be given to such trustees, unless the Judge shall otherwise direct. (R. S. C., March, 1879, r. 7.)

ORDER L.

Motions and other Applications.

Application to Court or Judge in Court to be by motion.

1. Where by these Rules any application is authorized to be made to the Court or a Judge in an action, such application, if made to a Divisional Court or to a Judge in Court, shall be made by motion. (R. S. C., Order 53, R. 1.)

No rule or order nisi except when authorized.

2. No rule or order to show cause shall be granted in any action, except in the cases in which an application for such rule or order is expressly authorized by these Rules. (*Ib.*, R. 2.)

Notice of motion when orders ex parte can be made.

3. Except where by the practice existing at the time of the passing of the said Act any order or rule has heretofore been made ex parte absolute in the first instance, and except where by these Rules it is otherwise provided, and except where the motion is for a rule to show cause only, no motion shall be made without previous notice to the parties affected thereby. But the Court or Judge, if satisfied that the delay caused by proceeding in the ordinary way would or might entail irreparable or serious mischief, may make any order ex parte upon such terms as to costs or otherwise, and subject to such undertaking, if any, as the Court or Judge may think just; and any party affected by such order may move to set it aside. (*Ib.*, R. 3.)

Two clear days' notice.

4. Unless the Court or Judge give special leave to the contrary, there must be at least two clear days between the service of a notice of motion and the day named in the notice for hearing the motion. (*Ib.* R. 4.)

All proper parties not served.

5. If on the hearing of a motion or other application the Court or Judge shall be of opinion that any person to whom notice has not been given ought to have had such notice, the Court or Judge may either dismiss the motion or appplication, or adjourn the hearing thereof in order that such notice may be given upon such terms, if any, as the Court or Judge may think fit to impose. (*Ib.*, R. 5.)

Adjournment.

6. The hearing of any motion or application may from time to time be adjourned upon such terms, if any, as the Court or Judge shall think fit. (*I.b.*, R. 6.)

Service before appearance.

7. The plaintiff shall, without any special leave, be at liberty to serve any notice of motion or other notice, or any petition or summons upon any defendant, who, having been duly served with a writ of summons to appear in the action, has not appeared within the time limited for that purpose. (*Ib.*, R. 7.

Service with writ or before time for appearance.

8. The plaintiff may, by leave of the Court or a Judge, to be obtained ex parte, serve any notice of motion upon any defendant along with the writ of summons, or at any time after service of the writ of summons and before the time limited for the appearance of such defendant. (*Ib.*, R. 8.)

ORDER LI.

Applications at Chambers.

Applications to be made in a summary way.

1. Every application at chambers authorized by these Rules shall be made in a summary way by summons. (*Ib.*, R. S. C., Order 55, R. 1.)

Manner and time of appealing in Queen's Bench and Common Pleas divisions.

2. Every appeal to the Court from any decision at chambers shall be by motion, and shall be made within eight days after the decision appealed against, or if no Court to which such appeal can be made shall sit within such eight days, then on the first day on which any such Court may be sitting after the expiration of such eight days. (Comp. *Ib.*, R, 6, amended by R. S. C., March 1879, R. 8.)

ORDER LII.

Costs.

To be in discretion of Court.

1. Subject to the provisions of the Act, the costs of and incident to all proceedings in the High Court shall be in the discretion of the Court; but nothing herein contained shall deprive a trustee, mortgagee, or other person of any right to costs out of a particular estate or fund to which he would be entitled according to the rules hitherto acted upon in Courts of Equity: Provided, that where any action or issue is tried by a jury, the costs shall follow the event, unless upon application made at the trial for good cause shown, the Judge before whom such action or issue is tried or the Court shall otherwise order. (R. S. C., Order 65, R. 1.)

Saving as to trustee, etc.

Of issues tried before jury.

2. In any cause or matter in which security for costs is required, the security shall be of such amount, and be given at such time or times and in such manner and form, as the Court or a Judge shall direct. (R. S. C., February, 1876, R. 7.)

ORDER LIII.

Notices and Paper, &c.

Notices to be in writing.

1. All notices required by these Rules shall be in writing, unless expressly authorized by a Court or Judge to be given orally. (R. S. C., Order 56, R. 1.)

Regulations as to printing proceedings.

2. Proceedings, if printed, shall be printed with pica type, leaded, on good paper, of foolscap size. (Comp. *Ib.*, R, 2; G. O. Chy., No. 67.)

Affidavits.

3. Any affidavit may be sworn to either in print or in manuscript, or partly in print and partly in manuscript. (*Ib.*, R. 3.)

ORDER LIV.

Time.

Months shall mean calendar months.

1. Where by these Rules, or by any judgment or order given or made after the commencement of the Act, time for doing any act or taking any proceeding is limited by months, not expressed to be lunar months, such time shall be computed by calendar months. (R. S. C., Order 57, R. 1.)

Period of less than six days.

2. Where any limited time less than six days from or after any date or event is appointed or allowed for doing any act or taking any proceeding, Sunday, Christmas Day, and Good Friday shall not be reckoned in the computation of such limited time. (*Ib.* R. 2.)

Where last day is Sunday.

3. Where the time for doing any act or taking any proceeding expires on a Sunday, or other day on which the offices are closed, and by reason thereof such act or proceeding cannot be done or taken on that day, such act or proceeding shall, so far as regards the time of doing or taking the same, be held to be duly done or taken if done or taken on the day on which the offices shall next be open. (*Ib.*, R. 3.)

Pleading in vacation.

4. No pleadings shall be amended or delivered in the long vacation, unless directed by the Court or a Judge. (*Ib.*, R. 4.)

Long vacation excluded in time for pleading.

5. The time of the long vacation shall not be reckoned in the computation of the times appointed or allowed by these Rules for filing, amending, or delivering any pleading, or in the times allowed for other purposes for which the same is not reckoned by the practice of the Courts consolidated by the Act, or any or either of them, or for the like proceedings substituted by the Act, or these Rules; unless otherwise directed by a Court or a Judge. (*See Ib.*, R. 5; G. O. Chy., No. 408; C. L. P. Act, R. S. O., c. 50, s. 95.)

Enlargement or abridgment of time.

6. A Court or a Judge shall have power to enlarge or abridge the time appointed by these Rules, or fixed by any order enlarging time, for doing any act or taking any proceeding, upon such terms (if any) as the justice of the case may require; and any such enlargement may be ordered although the application for the same is not made until after the expiration of the time appointed or allowed. (*Ib.*, R. 6.)

ORDER LV.

Divisional and other Courts.

1. The following proceedings and matters shall continue to be heard and determined before the Divisional Courts; but nothing herein contained shall be construed so as to take away or limit the power of a single Judge to hear and determine any such proceedings or matters in any case in which he has heretofore had power to do so, or so as to require any interlocutory proceeding therein, heretofore taken before a single Judge to be taken before a Divisional Court:— Proceedings to be taken before Divisional Courts.

Proceedings directed by any Statute to be taken before the Court, and in which the decision of the Court is final.

Cases of Habeas Corpus, in which a Judge directs that a rule nisi for the writ, or the writ be made returnable before a Divisional Court.

Special cases where all parties agree that the same be heard before a Divisional Court.

Appeals from Chambers in the Queen's Bench and Common Pleas Divisions and applications for new trials in the said Divisions where the action has been tried with a jury. (Comp. R. S. C., December, 1876, R. 8.)

2. Where by these Rules or otherwise, any application ought to be made to, or any jurisdiction exercised by the Judge before whom an action has been tried, if such Judge shall die or cease to be a Judge of the High Court, or if such Judge shall be a Judge of the Court of Appeal, or if for any other reason it shall be impossible or inconvenient that such Judge should act in the matter, the President of the Division to which the action belongs may either by a special Order in any action or matter, or by a general Order applicable to any class of actions or matters, nominate some other Judge to whom such application may be made, and by whom such jurisdiction may be exercised. (Comp. R. S. C., Dec. 1876, R. 9.) Where proceedings after trial cannot be taken before Judge who tried action.

ORDER LVI.

Effect of Non-compliance.

Non-compliance with any of these Rules shall not render the proceedings in any action void unless the Court or a Judge shall so direct, but such proceedings may be set aside either wholly or in part as irregular, or amended, or otherwise dealt with in such manner and upon such terms as the Court or Judge shall think fit. (R. S. C., Order 59.) Non-compliance with Rules.

ORDER LVII.

Sittings in Vacation.

1. Two of the Judges of the High Court shall be selected at the commencement of each Long Vacation for the hearing in Toronto during vacation of all such applications as may require Vacation Judges.

to be immediately or promptly heard. Such two Judges shall act as vacation Judges for one year from their appointment. In the absence of arrangement between the Judges, the two vacation Judges shall be the two Judges last appointed (whether as Judges of the said High Court or of any Court whose jurisdiction is by the said Act transferred to the said High Court) who have not already served as vacation Judges of any such Court, and if there shall not be two Judges for the time being of the said High Court who shall not have so served, then the two vacation Judges shall be the Judge (if any) who has not so served and the senior Judge or Judges who has or have so served once only according to seniority of appointment whether in the said High Court or such other Court as aforesaid. (Comp. R. S. C., Feb., 1876, R. 9.)

Jurisdiction of vacation Judges.

2. The vacation Judges may sit either separately, or together as a Divisional Court, as occasion shall require, and may hear and dispose of all actions, matters, and other business to whichever Division the same may be assigned. No order made by a vacation Judge shall be reversed or varied except by a Divisional Court or the Court of Appeal, or a Judge thereof, or the Judge who made the order. Any other Judge of the High Court may sit in vacation for any vacation Judge. (R. S. C., Order 61, R. 6.)

Power of vacation Judges during intervals between sittings.

3. The vacation Judges of the High Court may dispose of all actions, matters, and other business of an urgent nature during any interval between the sittings of any division of the High Court to which such business may be assigned, although such interval may not be called or known as a vacation. (*Ib.*, R. 7.)

APPENDICES TO THE FOREGOING RULES.

[NOTE.—The forms are taken with slight variations in some cases, from the Schedules of the Imperial Act of 1875, except (1), where a different reference is given and (2), except the forms in Appendix C, numbered from 16 to 18 and (3), except that the forms of reply given in the said Schedules are introduced into the Statements of Claim by way of amendment to meet the defence.]

APPENDIX (A.)

PART I.

FORMS OF WRITS OF SUMMONS, &c.

No. 1.

General Form of Writ of Summons.

187 .

In the High Court of Justice.
——— Division.

Between *A.B.* Plaintiff,
and
C.D. and *E.F.* Defendants.

Title in full.

VICTORIA, by the grace of God, *&c.*

To *C.D.* of in the county of and *E.F.* of

We command you, That within sixteen days after the service of this writ on you, inclusive of the day of such service, you do cause an appearance to be entered for you in the Division of our High Court of Justice in an action at the suit of *A.B.;* and take notice that in default of your so doing the plaintiff may proceed therein, and judgment may be given in your absence. Witness, *&c.*

Memorandum to be subscribed on the writ.

N.B.—This writ is to be served within (*six*) calendar months from the date thereof, or if renewed, from the date of such renewal, including the day of such date, and not afterwards.

The defendant [*or defendants*] may appear hereto by entering an appearance [*or appearances*] either personally or by solicitor at the [ ] office at

Indorsements to be made on the writ before issue thereof.

The plaintiff's claim is for, *&c.*

This writ was issued by *E.F.*, of solicitor for the said plaintiff, who resides at , *or*, this writ was issued by the plaintiff in person who resides at [*mention the city, town, or township, and also the name of the street and number of the house of the plaintiff's residence, if any, or in case of a township, the number of the lot and concession.*]

Indorsement to be made on the writ after service thereof.

This writ was served by *X.Y.* on *C.D.* [the defendant *or* one of the defendants], on *Monday*, the day of , 18 .

(Signed) *X.Y.*

No. 2.

Writ for service out of the jurisdiction or where notice in lieu of service is to be given out of the jurisdiction,

187 .

In the High Court of Justice.
——— Division.

Between *A.B.*, Plaintiff.
and
C.D. and *E.F.* Defendants.

VICTORIA, by the grace of God, *&c.*

To *C.D.*, of

We command you *C.D.*, that within [*here insert the number of days directed by Order II., or as the case may be*] after the service of this writ [*or notice of this writ as the case may be*], on you, inclusive of the day of such service, you do cause an appearance to be entered for you in the Division of our High Court of Justice in an action at the suit of *A.B.*; and take notice that in default of your so doing the plaintiff may proceed therein, and judgment may be given in your absence. Witness, *&c.*

Memorandum and indorsements as in Form No. 1,

Indorsement to be made on the writ before issue thereof:

N.B.—*This writ is to be used where the defendant or all the defendants or one or more defendant or defendants is or are out of the jurisdiction.* (R. S. C., June, 1876, r, 2.)

No. 3.

Notice of writ in lieu of service to be given out of the jurisdiction.

187 ,

Between *A.B.* Plaintiff,

and

C.D., *E.F.*, and *G.H.*, Defendants.

To *G.H.*, of

Take notice that *A.B.*, of has commenced an action against you, *G.H.*, in the Division of Her Majesty's High Court of Justice in Ontario, by writ of that Court, dated the day of , A.D. 18 ; which writ is endorsed as follows [*copy in full the indorsements*], and you are required within [ ] days after the receipt of this notice inclusive of the day of such receipt, to defend the said action, by causing an appearance to be entered for you in the said Court to the said action; and in default of your so doing, the said *A.B.* may proceed therein, and judgment may be given in your absence.

You may appear to the said writ by entering an appearance personally or by your solicitor at the [ ] office at

(Signed) *A.B.*, of *&c.*

or

X.Y., of *&c.*

Solicitor for *A.B.*

In the High Court of Justice.

——— Division.

(R. S. C., June, 1876, r, 2.)

No. 4.

Form of Memorandum for Renewed Writ.

In the High Court of Justice. 187 .

——— Division.

Between *A.B.*, plaintiff,

and

C.D., defendant.

Authenticate renewed writ of summons in this action indorsed as follows:—

(*Copy original writ and the indorsements.*)

No. 5.

Memorandum of Appearance.

187 .

High Court of Justice.

[*Chancery*] Division.

A B. v. *C.D.*, and others.

Enter an appearance for in this action.

Dated this day of

X.Y.,
Solicitor for the Defendant.

The place of business of *X.Y.* is
His address for service is
or [*C.D.*,
Defendant in person.
The address of *C.D.* is
His address for service is .]

The said defendant [requires, *or*, does not require] a statement of complaint to be filed and delivered.

No. 6.

Limited Appearance in Action for Land.

In the High Court of Justice.
Queen's Bench (*or* Chancery, *or* C.P.,) Division.
Between *A.B.*, plaintiff,
and
C.D., and
E.F., defendants.

The defendant *C.D.* limits his defence to part only of the property mentioned in the writ in this action, that is to say, to, &c.

Yours, &c.,
G.H.,
Solicitor for the said defendant *C.D.*

To Mr. *X.Y.*, plaintiff's solicitor.

PART II.

SECTION I.

General Indorsements.

In Matters assigned by the 38th Section of the Act to the Chancery Division.

1. *Creditor to administer Estate.*

The plaintiff's claim is as a creditor of *X. Y.*, of deceased, to have the [real and] personal estate of the said *X. Y.* administered. The defendant *C. D.* is sued as the administrator of the said *X. Y.* [and the defendants *E. F.* and *G. H.* as his co-heirs-at-law.]

2. *Legatee to administer Estate.*

The plaintiff's claim is as a legatee under the will dated the day of 18 , of *X. Y.* deceased, to have the [real and] personal estate of the said *X. Y.* administered. The defendant *C. D.* is sued as the executor of the said *X. Y.* [and the defendants *E. F.* and *G. H.* as his devisees].

3. *Partnership.*

The plaintiff's claim is to have an account taken of the partnership dealings between the plaintiff and defendant [under articles of partnership dated the day of], and to have the affairs of the partnership wound up.

4. *By Mortgagee.*

The plaintiff's claim is to have an account taken of what is due to him for principal, interest, and costs on a mortgage dated the day of made between [or by deposit of title deeds], and that the mortgage may be enforced by foreclosure or sale.

5. *By Mortgagor.*

The plaintiff's claim is to have an account taken of what, if any thing, is due on a mortgage dated and made between [*parties*], and to redeem the property comprised therein.

6. *Raising Portions.*

The plaintiff's claim is that the sum of $, which by an indenture of settlement dated , was provided for the portions of the younger children of may be raised.

7. *Execution of Trusts.*

The plaintiff's claim is to have the trusts of an indenture dated and made between , carried into execution.

8. *Cancellation or Rectification.*

The plaintiff's claim is to have a deed dated and made between [*parties*], set aside or rectified,

9. *Specific Performance.*

The plaintiff's claim is for specific performance of an agreement dated the day of , for the sale by the plaintiff to the defendant of certain [*freehold*] hereditaments at .

SECTION II.

Money Claims where no Special Indorsement under Order III., Rule 6.

Goods sold. The plaintiff's claim is $ for the price of goods sold.

This Form shall suffice whether the claim be in respect of goods sold and delivered, or of goods bargained and sold.]

Money lent. The plaintiff's claim is $ for money lent [and interest].

Several demands. The plaintiff's claim is $ whereof $ is for the price of goods sold, and $ for money lent, and $ for interest.

Rent. The plaintiff's claim is $ for arrears of rent.

Salary, &c. The plaintiff's claim is $ for arrears of salary as a clerk [*or as the case may be*].

Interest. The plaintiff's claim is $ for interest upon money lent.

General average. The plaintiff's claim is $ for a general average contribution.

Freight, &c. The plaintiff's claim is $ for freight and demurrage.

The plaintiff's claim is $ for lighterage.

Tolls. The plaintiff's claim is $ for market tolls and stallage.

Penalties. The plaintiff's claim is $ for penalties under the Statute. [. . . .]

Banker's balance. The plaintiff's claim is $ for money deposited with the defendant as a banker.

Fees, &c., as solicitors. The plaintiff's claim is $ for fees for work done [and $ money expended] as a solicitor.

Commisson. The plaintiff's claim is $ for commission as [*state character as auctioneer, cotton broker, &c.*]

Medical attendance, &c. The plaintiff's claim is $ for medical attendances.

Return of premium. The plaintiff's claim is $ for a return of premiums paid upon policies of insurance.

Warehouse rent. The plaintiff's claim is $ for the warehousing of goods.

Carriage of goods. The plaintiff's claim is $ for the carriage of goods by railway.

Use and occupation of houses. The plaintiff's claim is $ for the use and occupation of a house.

Hire of goods. The plaintiff's claim is $ for the hire of [furniture].

Work done. The plaintiff's claim is $ for work done as a surveyor.

Board and lodging. The plaintiff's claim is $ for board and lodging,

Schooling. The plaintiff's claim is $ for the board, lodging, and tuition of *X. Y.*

Money received. The plaintiff's claim is $ for money received by the defendant as solicitor [*or* factor, *or* collector, *or*, *&c.*] of the plaintiff.

Fees of office. The plaintiff's claim is $ for fees received by the defendant under colour of the office of

Money overpaid. The plaintiff's claim is $ for a return of money overcharged for the carriage of goods by railway.

The plaintiff's claim is $ for a return of fees overcharged by the defendant as

The plaintiff's claim is $ for a return of money deposited with the defendant as stakeholder. — Return of money by stakeholder.

The plaintiff's claim is $ for money entrusted to the defendant as stakeholder, and become payable to plaintiff. — Money won from stakeholder.

The plaintiff's claim is $ for a return of money entrusted to the defendant as agent to the plaintiff. — Money entrusted to agent.

The plaintiff's claim is $ for a return of money obtained from the plaintiff by fraud. — Money obtained by fraud.

The plaintiff's claim is $ for a return of money paid to the defendant by mistake. — Money paid by mistake.

The plaintiff's claim is $ for a return of money paid to the defendant for [work to be done, left undone ; *or* a bill to be taken up, not taken up, &c.] — Money paid for consideration which has failed.

The plaintiff's claim is $ for a return of money paid as a deposit upon shares to be allotted.

The plaintiff's claim is $ for money paid for the defendant as his surety. — Money paid by surety for defendant.

The plaintiff's claim is $ for money paid for rent due by the defendant. — Rent paid.

The plaintiff's claim is $ upon a bill of exchange accepted [*or* indorsed] for the defendant's accommodation. — Money paid on accommodation bill.

The plaintiff's claim is $ for a contribution in respect of money paid by the plaintiff as surety. — Contribution by surety.

The plaintiff's claim is $ for a contribution in respect of a joint debt of the plaintiff and the defendant, paid by the plaintiff. — By co-debtor.

The plaintiff's claim is $ for money paid for calls upon shares, against which the defendant was bound to indemnify the plaintiff. — Money paid for calls.

The plaintiff's claim is $ for money payable under an award. — Money payable under award.

The plaintiff's claim is $ upon a policy of insurance upon the life of X. Y., deceased. — Life policy.

The plaintiff's claim is $ upon a bond to secure payment of $1 000, and interest. — Money bond.

The plaintiff's claim is $ upon a judgment of the Court, in the Province of Quebec. — Foreign judgment.

The plaintiff's claim is $ upon a cheque drawn by the defendant — Bill of exchange, &c.

The plaintiff's claim is $ upon a bill of exchange accepted [*or* drawn *or* indorsed] by the defendant.

The plaintiff's claim is $ upon a promissory note made [*or* indorsed] by the defendant.

The plaintiff's claim is $ against the defendant *A. B.* as acceptor, and against the defendant *C. D.* as drawer [*or* indorser] of a bill of exchange.

The plaintiff's claim is $ against the defendant as surety for the price of goods sold. — Surety.

The plaintiff's claim is $ against the defendant *A. B.* as principal, and against the defendant *C. D.* as surety for the price of goods sold [*or* arrears of rent, *or* for money lent, *or* for money received by the defendant A. B., as traveller for the plaintiffs, *or*, *&c.*

The plaintiff's claim is $ against the defendant as a *del credere* agent for the price of goods sold [*or* as losses under a policy]. — *Del credere* agent.

The plaintiff's claim is $ for calls upon shares. — Calls.

The plaintiff's claim is $ for crops, tillage, manure [*or as the case may be*] left by the defendant as outgoing tenant of a farm. — Waygoing crops, &c.

SECTION III.

Indorsement for Costs, &c.

[*Add to the above Forms*] and $ for costs ; and if the amount chanced to be paid to the plaintiff or his solicitor within four days [*or if the writ is to be served out of the jurisdiction, or notice in lieu of service allowed, insert the time for appearance limited by the order*] *and the service* hereof, further proceedings will be stayed.

SECTION IV.

Damages and other Claims.

Agent, &c.

The plaintiff's claim is for damages for breach of a contract to employ the plaintiff as traveller.

The plaintiff's claim is for damages for wrongful dismissal from the defendant's employment as traveller [and $ for arrears of wages.]

The plaintiff's claim is for damages for the defendant's wrongfully quitting the plaintiff's employment as manager.

The plaintiff's claim is for damages for breach of duty as factor [*or, &c.* of the plaintiff [and $ for money received as factor, &c.]

Arbitration.

The plaintiff's claim is for damages for breach of the terms of a deed of apprenticeship of *X.Y.* to the defendant [*or* plaintiff.]

Assault, &c.

The plaintiff's claim is for damages for non-compliance with the award of *X.Y.*

By husband and wife.

The plaintiff's claim is for damages for assault [and false imprisonment, and for malicious prosecution].

Against husband and wife.

The plaintiff's claim is for damages for assault and false imprisonment of the plaintiff *C.D.*

Solicitor.

The plaintiff's claim is for damages for assault by the defendant *C.D.*

Bailment.

The plaintiff's claim is for damages for injury by the defendant's negligence as solicitor of the plaintiff.

Pledge.

The plaintiff's claim is for damages for negligence in the custody of goods [and for wrongfully detaining the same].

Hire.

The plaintiff's claim is for damages for negligence in the keeping of goods pawned [and for wrongfully detaining the same.]

Banker.

The plaintiff's claim is for damages for negligence in the custody of furniture lent on hire [*or* a carriage lent], [and for wrongfully, &c].

Bill.

The plaintiff's claim is for damages for wrongfully neglecting [*or* refusing] to pay the plaintiff's cheque.

Bond.

The plaintiff's claim is for damages for breach of a contract to accept the plaintiff's drafts.

Carrier

The plaintiff's claim is upon a bond conditioned not to carry on the trade of a

The plaintiff's claim is for damages for refusing to carry the plaintiff's goods by railway.

The plaintiff's claim is for damages for refusing to carry the plaintiff by railway.

The plaintiff's claim is for damages for breach of duty in and about the carriage and delivery of coals by railway.

The plaintiff's claim is for damages for breach of duty in and about the carriage and delivery of machinery by sea.

Charter-party.

The plaintiff's claim is for damages for breach of charter-party of ship [*Mary.*]

Claim for return of goods; damages.

The plaintiff's claim is for return of household furniture, or &c., or their value, and for damages for detaining the same.

Damages for depriving of goods.

The plaintiff's claim is for wrongfully depriving plaintiff of goods, household furniture, &c.

Defamation.

The plaintiff's claim is for damages for libel.

The plaintiff's claim is for damages for slander.

Distress. Replevin. Wrongful distress.

The plaintiff's claim is in replevin for goods wrongfully distrained.

The plaintiff's claim is for damages for improperly distraining.

[*This Form shall be sufficient whether the distress complained of be wrongful or excessive, or irregular, and whether the claim be for damages only, or for double value*].

Ejectment.

The plaintiff's claim is to recover possession of a house, No. in street, in the City of Ottawa; or of the N.E. ¼ of lot 2, in the 3rd concession of the Township of in the county of

To establish title and recover rents.

The plaintiff's claim is to establish his title to [*here describe property*], and to recover the rents thereof.

[*The two previous forms may be combined*].

Dower.

The plaintiff's claim is for dower.

Fishery.

The plaintiff's claim is for damages for infringement of the plaintiff's right of fishing.

Fraud.

The plaintiff's claim is for damages for fraudulent misrepresentation on the sale of a horse [*or* a business, *or* shares, *or*, *&c*].

The plaintiff's claim is for damages for fraudulent misrepresentation of the credit of *A.B.*

Guarantee.

The plaintiff's claim is for damages for breach of a contract of guarantee for *A.B.*

The plaintiff's claim is for damages for breach of a contract to indemnify the plaintiff as the defendant's agent to distrain.

Insurance.

The plaintiff's claim is for a loss under a policy upon the ship "Royal Charter," and freight or cargo [*or* for return of premiums].

[*This Form shall be sufficient whether the loss claimed be total or partial*].

Fire insurance.

The plaintiff's claim is for a loss under a policy of fire insurance upon house and furniture.

The plaintiff's claim is for damages for breach of a contract to insure a house.

Landlord and tenant.

The plaintiff's claim is for damages for breach of contract to keep a house in repair.

The plaintiff's claim is for damages for breaches of covenants contained in a lease of a farm.

Medical man.

The plaintiff's claim is for damages for injury to the plaintiff from the defendant's negligence as a medical man.

Mischievous animal.

The plaintiff's claim is for damages for injury by the defendant's dog

Negligence.

The plaintiff's claim is for damages for injury to the plaintiff [*or, if by husband and wife*, to the plaintiff C. D.] by the negligent driving of the defendant or his servants.

The plaintiff's claim is for damages for injury to the plaintiff while a passenger on the defendant's railway by the negligence of the defendant's servants.

The plaintiff's claim is for damages for injury to the plaintiff at the defendant's railway station, from the defective condition of the station.

Lord Campbell's Act.

The plaintiff's claim is as executor of *A. B.* deceased, for damages for the death of the said *A. B.*, from injuries received while a passenger on the defendant's railway, by the negligence of the defendant's servants.

Promise of marriage.

The plaintiff's claim is for damages for breach of promise of marriage

Quare impedit

The plaintiff's claim is in quare impedit for

Seduction.

The plaintiff's claim is for damages for the seduction of the plaintiff's daughter.

Sale of goods.

The plaintiff's claim is for damages for breach of contract to accept and pay for goods.

The plaintiff's claim is for damages for non-delivery [*or* short delivery, *or* defective quality, *or* other breach of contract of sale] of cotton [*or*, &c.]

The plaintiff's claim is for damages for breach of warranty of a horse.

Sale of land.

The plaintiff's claim is for damages for breach of a contract to sell [*or* purchase] land.

The plaintiff's claim is for damages for breach of contract to let [*or* take] a house.

The plaintiff's claim is for damages for breach of a contract to sell [*or* purchase] the lease, with goodwill, fixtures, and stock-in-trade of a public-house.

The plaintiff's claim is for damages for breach of covenant for title [*or* for quiet enjoyment, *or*, &c.] in a conveyance of land.

Trespass to land.

The plaintiff's claim is for damages for wrongfully entering the plaintiff's land and drawing water from his well [*or* cutting his grass, *or* pulling down his timber, *or* pulling down his fences, *or* removing his gate, *or* using his road or path, *or* crossing his field, *or* depositing sand there, *or* carrying away gravel from thence, *or* carrying away stones from his river.]

Support.

The plaintiff's claim is for damages for wrongfully taking away the support of plaintiff's land [*or house, or mine*].

Way.

The plaintiff's claim is for damages for wrongfully obstructing a way [public highway *or* private way].

Watercourse, &c.

The plaintiff's claim is for damages for wrongfully diverting [*or* obstructing, *or* polluting, *or* diverting water from] a watercourse.

The plaintiff's claim is for damages for wrongfully discharging water upon the plaintiff's land [*or* into the plaintiff's mine].

The plaintiff's claim is for damages for wrongfully obstructing the plaintiff's use of a well.

Pasture.

The plaintiff's claim is for damages for the infringement of the plaintiff's right of pasture.

[*This form shall be sufficient whatever the nature of the right to pasture be.*]

Light.

The plaintiff's claim is for damages for obstructing the access of light to plaintiff's house.

Patent.

The plaintiff's claim is for damages for the infringement of the plaintiff's patent.

Copyright. The plaintiff's claim is for damages for the infringement of the plaintiff's copyright.

Trade mark. The plaintiff's claim is for damages for wrongfully using [*or* imitating] the plaintiff's trade mark.

Work. The plaintiff's claim is for damages for breach of a contract to build a ship [*or* to repair a house, *&c.*]

The plaintiff's claim is for damages for breach of a contract to employ the plaintiff to build a ship, *&c.*

The plaintiff's claim is for damages to his house, trees, crops, &c., caused by noxious vapours from the defendant's factory [*or &c.*]

Nuisance. The plaintiff's claim is for damages from nuisance by noise from the defendant's works [*or, &c.*]

Innkeeper. The plaintiff's claim is for damages for loss of the plaintiff's goods in the defendant's inn.

Mandamus. Add to Indorsement;—
And for a mandamus.

Injunction. Add to Indorsement:—
And for an injunction.

Add to Indorsement where Claim is to land, or to establish title, or both.

Mesne profits. And for mesne profits.

Arrears of rent. And for an account of rents or arrears of rent.

Breach of covenant. And for breach of covenant for [*repairs*].

SECTION V.

Special Indorsements under order III, Rule 6.

1. The plaintiff's claim is for the price of goods sold. The following are the particulars:—

1873—31st December.—
Balance of account for butchers' meat to this date . . . $142
1874—1st January to 31st of March.—
Butchers' meat supplied 297
$439
1874—1st February.—Paid 180
Balance due $259

2. The plaintiff's claim is against the defendant *A, B.* as principal, and against the defendant *C. D.* as surety, for the price of goods sold to *A. B.* The following are the particulars:—

1874—2nd February. Guarantee by *C. D.* of the price of woollen goods to be supplied to *A. B.*

2nd February—To goods	$225
3rd March —To goods	151
17th March—To goods	27
5th April—To goods	65
	$468

3. The plaintiff's claim is against the defendant, as maker of a promissory note. The following are the particulars:—

Promissory note for $1,000, dated 1st January 1879, made by defendant, payable four months after date.

Principal	$1,000
Interest	

4. The plaintiff's claim is against the defendant *A B.* as acceptor, and against the defendant *C.D.* as drawer, of a bill of exchange. The following are the particulars:—

Bill of exchange for $2,000, dated 1st January, 1874, drawn by defendant *C.D.* upon and accepted by defendant *A.B.*, payable three months after date.

Principal	$2,000
Interest	

5 The plaintiff's claim is for principal and interest due upon a bond. The following are the particulars:—

Bond dated 1st January, 1879. Condition for payment of $500 on the 26th December, 1879.

Principal due	$500
Interest	

6. The plaintiff's claim is for principal and interest due under a covenant. The following are the particulars :—

Deed dated covenant to pay $3,000 and interest.
Principal due..... $800
Interest.....

SECTION VI.

Indorsements of Character of Parties.

The plaintiff's claim is as executor [*or administrator*] of *C. D.*, deceased, for *&c.*

The plaintiff's claim is against the defendant *A. B.*, as executor [*or*, *&c.*] of *C. D.*, deceased, for *&c.*

The plaintiff's claim is against the defendant *A. B.*, as executor of *X. Y.*, deceased, and against the defendant *C. D.*, in his personal capacity, for, *&c.*

The claim of the plaintiff *C. D.* is as executrix of *X. Y.*, deceased, and the claim of the plaintiff *A. B.* as her husband, for — By husband and wife, executrix.

The claim of the plaintiff is against the defendant *C. D.*, as executrix of the defendant *C. D.*, deceased, and against the defendant *A. B.*, as her husband, for — Against husband and wife executrix.

The plaintiff's claim is as assignee in insolvency of *A. B.*, for — Assignee in insolvency.

The plaintiff's claim is against the defendant as assignee in insolvency of *A. B.*, for

The plaintiff's claim is as [*or* the plaintiff's claim is against the defendant as] trustee under the will of *A. B.* [*or* under the settlement upon the marriage of *A. B.* and *X. Y.*, his wife.] — Trustees.

The plaintiff's claim is as public officer of the Bank, for — Public officer.

The plaintiff's claim is against the defendant as public officer of the Bank, for

The plaintiff's claim is against the defendant *A. B.* as principal and against the defendant *C. D.* as public officer of the Bank, as surety, for

The plaintiff's claim is against the defendant as heir-at-law of *A. B.*, deceased.

The plaintiff's claim is against the defendant *C. D.* as heir-at-law, and against the defendant *E. F.*, as devisee of lands under the will of *A. B.* — Heir and devisee.

The plaintiff's claim is as well for the Queen as for himself, for — Qui tam action.

APPENDIX (B).

Notices, &c.

FORM 1.

Notice by Defendant to Third Party,

Notice filed, 187 .

In the High Court.
Queen's Bench Division.

Between A. B., plaintiff,
and
C. D., defendant.

To Mr. *X. Y.*

Take notice that this action has been brought by the plaintiff against the defendant [as surety for *M. N.*, upon a bond conditioned for payment of $10,000 and interest to the plaintiff.

The defendant claims to be entitled to contribution from you to the extent of one-half of any sum which the plaintiff may recover against him, on the ground that you are (his co-surety under the said bond, *or*, also surety for the said *M. N.*, in respect of the said matter, under another bond made by you in favour of the said plaintiff, dated the day of , A.D.)].

Or [as acceptor of a bill of exchange for $2,500, dated the

day of , A. D. , drawn by you upon and accepted by the defendant and payable three months after date.

The defendant claims to be indemnified by you against liability under the said bill, on the ground that it was accepted for your accommodation.]

Or [to recover damages for a breach of a contract for the sale and delivery to the plaintiff of 1000 tons of coal.

The defendant claims to be indemnified by you against liability in respect of the said contract, or any breach thereof, on the ground that it was made by him on your behalf and as your agent.]

And take notice that, if you wish to dispute the plaintiff's claim in this action as against the defendant *C. D.*, you must cause an appearance to be entered for you within sixteen days after service of this notice.

In default of your so appearing, you will not be entitled in any future proceeding between the defendant *C. D.* and yourself to dispute the validity of the judgment in this action whether obtained by consent or otherwise.

(Signed) *E. T.*

Or

X. Y.,

Solicitor for the defendant,

E. T.

Appearance to be entered at

FORM 2.

Confession by Plaintiff of Defence.

187 .

In the High Court.
Queen's Bench Division.

Between *A. B.*, plaintiff,
and
C. D., defendant.

The plaintiff confesses the defence stated in the —— paragraph of the defendant's statement of defence [*or*, of the defendant's further statement of defence.]

FORM 3.

Notice in lieu of Statement of Claim.

187 .

In the High Court of Justice.
—— Division.

Between *A. B.*, plaintiff.
and
C. D., defendant.

The particulars of the plaintiff's complaint herein, and of the relief and remedy to which he claims to be entitled, appear by the indorsement upon the writ of summons.

FORM 4.

Indorsement on Copy Defence and Counter-claim to be served on Third Party.

"To the within named *N. Y.*

Take notice that if you do not appear to the within counter-claim of the within-named *C, D.*, within sixteen days from the service of this defence and counter-claim upon you, you will be liable to have judgment given against you in your absence.

Appearances are to be entered at

FORM 5.

Notice of payment into Court.

In the High Court of Justice. 187 .
Q. B. Division.

A. B. v. *C. D.*

Take notice that the defendant has paid into Court $ and says that that sum is enough to satisfy the plaintiff's claim [*or* the plaintiff's claim, for, *&c.*]

To Mr. *X. Y.*,
the Plaintiff's Solicitor,

Z.,
Defendant's Solicitor.

FORM 6.

Acceptance of Sum paid into Court.

In the High Court of Justice. 187 .
Q. B. Division.

A. B. v. *C. D.*

Take notice that the plaintiff accepts the sum of $ paid by you into Court in satisfaction of the claim in respect of which it is paid in.

FORM 7.

Form of Affidavit as to Documents.

In the High Court of Justice, 187 .
——— Division.

Between *A. B.*, Plaintiff,
and
C. D., Defendant.

I, the above named defendant *C. D.*, make oath and say as follows :—

1. I have in my possession or power the documents relating to the matters in question in this suit set forth in the first and second parts of the first schedule hereto.

2. I object to produce the said documents set forth in the second part of the said first schedule hereto.

3. That [*here state upon what grounds the objection is made, and verify the facts as far as may be*].

4. I have had, but have not now, in my possession or power the documents relating to the matters in question in this suit set forth in the second schedule hereto.

5. The last-mentioned documents were last in my possession or power on [*state when*].

6. That [*here state what has become of the last-mentioned documents, and in whose possession they now are*].

7. According to the best of my knowledge, information, and belief, I have not now, and never had in my possession, custody, or power, or in the possession, custody, or power of my solicitors or agents, solicitor or agent, or in the possession, custody, or power of any other persons or person on my behalf, any deed, account, book of account, voucher, receipt, letter, memorandum, paper, or writing, or any copy of or extract from any such document, or any other document whatsoever, relating to the matters in question in this suit, or any of them, or wherein any entry has been made relative to such matters, or any of them, other than and except the documents set forth in the said first and second schedules hereto.

FORM 8.

Form of Notice to produce Documents.

In the High Court of Justice.
C. P. Division.

A. B. v. *C. D.*

Take notice that the [plaintiff *or* defendant], requires you to produce for his inspection the following documents referred to in your [statement of claim, *or* defence, *or* affidavit, dated the day of A. D.].

[*Describe documents required.*]

X. Y.,
Solicitor to the

To *Z.*,
Solicitor for

FORM 9.

Form of Notice to inspect Documents.

In the High Court of Justice.
C. P. Division.

A.B. v. *C.D.*

Take notice that you can inspect the documents mentioned in your notice of the day of A.D. [*except the deed numbered in that notice*] at my office on Thursday next the instant, between the hours of 12 and 4 o clock.

Or, that the [plaintiff *or* defendant] objects to giving you inspection of the documents mentioned in your notice of the day of A.D. on the ground that [*state the ground*]:—

FORM 10.

Form of Notice to admit Documents.

In the High Court of Justice.
—— Division.

A.B. v. *C.D.*

Take notice that the plaintiff [*or* defendant] in this cause proposes to adduce in evidence the several documents hereunder specified, and that the same may be inspected by the defendant [*or* plaintiff], his solicitor or agent at , on , between the hours of ; and the defendant [*or* plaintiff] is hereby required, within forty-eight hours from the last-mentioned hour, to admit that such of the said documents as are specified to be originals were respectively written, signed, or executed, as they purport respectively to have been; that such as are specified as copies are true copies, and such documents as are stated to have been served, sent, or delivered, were so served, sent, or delivered respectively: saving all just exceptions to the admissibility of all such documents as evidence in this cause.

Dated, &c.

To *E.F.*, solicitor [*or agent*] for defendant [*or plaintiff*].
G.H., solicitor [*or agent*] for plaintiff [*or defendant*].

[*Here describe the documents, the manner of doing which may be as follows:*

ORIGINALS.

Description of Documents.	Dates.
Deed of covenant between *A.B.* and *C.D.* first part, and *E.F.* second part	January, 1, 1878.
Indenture of lease from *A.B.* to *C.D.*	February 1, 1878.
Indenture of release between *A.B.*, *C.D.* first part, &c.	February 2, 1878.
Letter—defendant to plaintiff	March 1, 1878.
Policy of insurance on goods by ship "Isabella," on voyage from Toronto to London	December 3, 1877.
Memorandum of agreement between *C.D.*, captain of said ship, and *E.F.*	January 1, 1878.
Bill of exchange for $500 at three months, drawn by *A.B.* on and accepted by *C.D.*, indorsed by *E.F.* and *G.H.*	May 1, 1879.

COPIES.

Description of Documents.	Dates.	Original or Duplicate served, sent, or delivered, when, how, and by whom.
Register of baptism of *A.B.* in the parish of *X.*	January 1, 1848.	Sent by General Post, February 2, 1848.
Letter—Plaintiff to defendant.	February 1, 1848.	
Notice to produce papers.	March 1, 1878.	Served March 2, 1848, on defendant's attorney by *E.F.*, of ——
Record of a Judgment of the Court of Queen's Bench in an action, *J.S.* and *J. N.*	Trinity Term, 10th Vic.	

FORM 11.

Setting down Special Case.

In the High Court of Justice. 187 .
——— Division.
Between *A.B.*, Plaintiff,
and
C.D. and others, Defendants.
Set down for argument the special case filed in this action on the day of , 18 .
X.Y., solicitor for

FORM 12.

Form of Notice of Trial.

In the High Court of Justice.
——— Division.
A.B. v. *C.D.*
Take notice of trial of this action [*or the issues in this action ordered to be tried*] by a judge and jury [*or as the case may be*] at for the day of next
X.Y., plaintiff's solicitor [*or as the case may be*].
Dated
To *Z.*, defendant's solicitor [*or as the case may be*].

FORM 13.

Form of Certificate of Officer after Trial by a Jury.

30th November, 1881, 18 . No.
In the High Court of Justice.
——— Division.
Between *A.B.*, Plaintiff,
and
C.D., Defendant.
I certify that this action was tried before the Honourable Mr. Justice and a special jury of the county of on the and days of October, 1881.
The Jury found [*state findings*].

APPENDIX (C).

Pleadings.

No. 1.

[187 . .

Account stated.

In the High Court of Justice.
——— Division

Writ issued 3rd August 187 .
A. B., Plaintiff,
and
E. F., Defendant.

Statement of Claim.

Claim.

1. Between the 1st of January and the 28th of February 1875, the plaintiff supplied to the defendant various articles of drapery ; and accounts and invoices of the goods so supplied, and their prices, were from time to time furnished to the defendant, and payments on account were from time to time made by the defendant.

2. On the 28th of February 1875, a balance remained due to the plaintiff of $325, and an account was on that day sent by the plaintiff to the defendant showing that balance.

3. On the 1st of March following, the plaintiff's collector saw the defendant at his house, and asked for payment of the said balance, and the defendant then paid him by cheque $32 on account of the same. The residue of the said balance, amounting to $293, has never been paid.

The plaintiff claims $.

The plaintiff proposes that this action should be tried at Toronto.

Delivered the day of 18 by *X. Y.*, of Plaintiff's Solicitor.

No. 2.

[187 .]

Administration of an Intestate's Estate.

In the High Court of Justice.
Chancery Division.

Writ issued 22nd December, 187 .
In the matter of the estate of *A. B.* deceased.
Between *E. F.*, Plaintiff,
and
G. H., Defendant.

Statement of Claim.

Claim.

1. *A. B.*, of *K.*, in the County of *L.*, died on the 1st of July, 1875, intestate. The defendant, *G. H.* is the administrator of *A. B.*

2. *A. B.* died entitled to lands in the said county for an estate of fee simple, and also to some other real estate and to personal estate. The defendant has entered into possession of the real estate of *A. B.*, and received the rents thereof. The legal estate in such real estate is outstanding in mortgagees under mortgages created by the intestate.

3. *A. B.* was never married ; he had one brother only, who predeceased him without having been married, and two sisters only, both of whom also pre-deceased him, namely *M. N.* and *P. Q.* The plaintiff is the only child of *M. N.*, and the defendant is the only child of *P. Q.*

The plaintiff claims—

1. To have the real and personal estate of *A. B.* administered in this Court, and for that purpose to have all proper directions given and accounts taken.
2. To have a receiver appointed of the rents of his real estate.
3. Such further or other relief as the nature of the case may require.

The plaintiff proposes that this action should be tried at London.

Delivered the day of 18 by *X. Y.*, of Plaintiff's Solicitor.

[187 .

In the High Court of Justice.
Chancery Division.

In the matter of the estate of *A. B.* deceased.

Between *E. F.*, Plaintiff,
and
G. H., Defendant.

Statement of Defence.

Defence.

1. The plaintiff is an illegitimate child of *M. N.* She was never married. The defendant admits the other allegations contained in the 1st and 3rd paragraphs of the plaintiff's statement of claim.

2. The intestate was not entitled to any real estate at his death.

3. The personal estate of *A. B.* was not sufficient for the payment of his debts, and has all been applied in payment of his funeral and testamentary expenses, and part of his debts.

Delivered the day of 18 by
X. Y., of Plaintiff's Solicitor.

No. 3.

[187 .

In the High Court of Justice.
Chancery Division.

Administration of a Testator's Estate.

Writ issued 22nd December, 187 .

In the matter of the estate of *A. B.*, deceased.

Between *E. F.*, Plaintiff,
and
G. H., Defendant.

Statement of Clain.

Claim.

1. *A. B.* of *K.*, in the county of *L.*, duly made his last will, dated the 1st day of March, 1873, whereby he appointed the defendant and *M. N.* (who died in the testator's lifetime), executors thereof, and devised and bequeathed his real and personal estate to and to the use of his executors in trust, to pay the rents and income thereof to the plaintiff for his life; and after his decease, and in default of his having a son who should attain 21, or a daughter who should attain that age, or marry, upon trust as to his real estate for the person who would be the testator's heir at-law, and as to his personal estate for the persons who would be the testator's next of kin if he had died intestate at the time of the death of the plaintiff, and such failure of his issue as aforesaid.

2. The testator died on the 1st day of July 1879, and his will was proved by the defendant, on the 4th of October, 1879. The plaintiff has not been married.

3. The testator was at his death entitled to real and personal estate; the defendant entered into the receipt of the rents of the real estate and got in the personal estate; he has sold some part of the real estate.

The plaintiff claims—

1. To have the real and personal estate of *A. B.* administered in this Court, and for that purpose to have all proper directions given and accounts taken.

2. Such further or other relief as the nature of the case may require.

Delivered the day of 18 by
X. Y., of Plaintiff's Solicitor.

[187 .

In the High Court of Justice.
Chancery Division.
In the matter of the estate of *A. B.* deceased.
Between *E. F.*, Plaintiff,
and
G. H., Defendant.

Statement of Defence.

Defence.

1. *A. B.*'s will contained a charge of debts; he died insolvent; he was entitled at his death to some real estate which the defendant sold, and which produced the net sum of $22,500, and the testator had some personal estate which the defendant got in and which produced the net sum of $5,400

2. The defendant applied the whole of the said sums and the sum of $84 which the defendant received from rents of the real estate, in the payment of the funeral and testamentary expenses and some of the debts of the testator.

3. The defendant made up his accounts and sent a copy thereof to the plaintiff on the 10th of January, 1879, and offered the plaintiff free access to the vouchers, to verify such accounts, but he declined to avail himself of the defendant's offer.

4. The defendant admits the allegations in the 1st and 2nd paragraphs of the plaintiff's statement of claim.

5. The defendant submits that the plaintiff ought to pay the costs of this action.

Delivered the day of 18 by *X. Y.*, of Plaintiff's Solicitor.

No. 4.

Action against Del credere Agents.

In the High Court of Justice, [187.]
——— Division.
Writ issued 3rd August 187 .
Between *A. B.* and Company, Plaintiffs,
and
E. F. and Company, Defendants.

Statement of Claim.

Agent.

1. The plaintiffs are manufacturers of artificial manures, carrying on business at , in the county of

2. The defendants are commission agents, carrying on business in Toronto.

3. In the early part of the year , the plaintiffs commenced, and down to the 187 , continued to consign to the defendants, as their agents, large quantities of their manures for sale, and the defendants sold the same, and received the price thereof and accounted to the plaintiffs therefor.

Claim.

4. No express agreement has ever been entered into between the plaintiffs and the defendants with respect to the terms of the defendants' employment as agents. The defendants have always charged the plaintiffs a commission at per cent. on all sales effected by them, which is the rate of commission ordinarily charged by all del credere agents in the said trade. And the defendants, in fact, always accounted to the plaintiffs for the price, whether they received the same from the purchasers or not.

5. The plaintiffs contend that the defendants are liable to them as del credere agents, but if not so liable are under the circumstances hereinafter mentioned liable as ordinary agents.

6. On the , the plaintiffs consigned to the defendants for sale a large quantity of goods, including tons of

7. On or about the , the defendants sold tons of part of such goods to one *G. H.* for $, at three months' credit, and delivered the same to him.

8. *G. H.* was not, at that time, in good credit and was in insolvent circumstances, and the defendants might, by ordinary care and diligence, have ascertained the fact.

9. *G. H.* did not pay for the said goods, but before the expiration of the said three months for which credit had been given, the estate of the said *G. H.* was placed in liquidation under the insolvency Acts then in force; and the plaintiffs have never received the said sum of $ or any part thereof.

The plaintiffs claim :—

1. Damages to the amount of $

2. Such further or other relief as the nature of the case may require.

The plaintiffs propose that this action should be tried in the City of Hamilton.

Delivered the day of 18 by *X. Y.*, of Plaintiff's Solicitor.

[Title as in claim, omitting date of issue of writ.]

Statement of Defence. Defence.

1. The defendants deny that the said commission of per cent. mentioned in paragraph 4 of the claim is the rate of commission ordinarily charged by del credere agents in the said trade, and say that the same is the ordinary commission for agents other than del credere agents, and they deny that they ever accounted to the plaintiffs for the price of any goods, except after they had received the same from the purchasers.

2. The defendants deny that they were ever liable to the plaintiffs as del credere agents.

3. With respect to the eighth paragraph of the plaintiffs' statement of claim, the defendants say that at the time of the said sale to the said *G. H.*, the said *G. H.* was a person in good credit. If it be true that the said *G. H.* was then in insolvent circumstances (which the defendants do not admit), the defendants did not and had no reason to suspect the same, and could not by ordinary care or diligence have ascertained the fact.

4. The defendants admit the allegations contained in the 1, 2, 3, 6, 7 and 9 paragraphs of the plaintiffs' statement of claim.

Delivered the day of 18 by *X. Y.*, of Plaintiff's Solicitor.

No. 5.

[187] Bill of exchange.

In the High Court of Justice,
——— Division.

Writ issued 3rd August, 187 .
Between *A. B.* and *C. D.*, Plaintiffs,
and
E. F. and *G. H.*, Defendants.

Statement of Claim. Claim.

1. Messrs. *M. N. & Co.*, on the day of drew a bill of exchange upon the defendants for $, payable to the order of the said Messrs. *M. N. & Co.* three months after date, and the defendants accepted the same.

2. Messrs. *M. N. & Co.* indorsed the bill to the plaintiffs.

[3. The plaintiff gave value and consideration for the said bill in manner following, that is to say: on the day 187 , the said Messrs. *M. N. & Co.* were indebted to the plaintiff in about $ which last mentioned goods have since been delivered by him to them. And at the time of the order for such last mentioned goods it was agreed between Messrs. *M. N. & Co.* and the plaintiff, and the order was received upon the terms, that they should indorse and hand over to him the bill of exchange sued upon, together with various other securities on account of the said previous balance, and the price of the goods so ordered on that day. The said securities, including the bill sued upon, were thereupon on the same day indorsed and handed over to the plaintiff. (*Introduced by amendment to meet the defence in the defendant's statement of defence infra.*)]

4. The bill became due on the , and the defendant has not paid it.

The plaintiffs claim :—

The plaintiffs propose that the action should be tried at Kingston.

Delivered the day of 18 by *X. Y.*, of Plaintiff's Solicitor.

[Title.]

Statement of Defence.

Defence.

1. The bill of exchange mentioned in the statement of claim was drawn and accepted under the circumstances hereinafter stated, and except as hereinafter mentioned there never was any consideration for the acceptance or payment thereof by the defendants.

2. Shortly before the acceptance of the said bill it was agreed between the said Messrs. *M. N. & Co.*, the drawers thereof, and the defendants, that the said Messrs. *M. N. & Co.* should sell and deliver to the defendants free on board ship at the port of 1200 tons of coal during the month of , and that the defendants should pay for the same by accepting the said Messrs. *M. N. & C.'s* draft for $ at six months.

3. The said Messrs. *M. N. & Co.* accordingly drew upon the defendants, and the defendants accepted the bill of exchange now sued upon.

4. The defendants did all things which were necessary to entitle them to delivery by the said Messrs. *M. N. & Co.* of the said 1200 tons of coals under their said contract, and the time for delivery has long since elapsed; but the said Messrs. *M. N. & Co.* never delivered the same, or any part thereof, but have always refused to do so, whereby the consideration for the defendant's acceptance has wholly failed.

5. The plaintiffs first received the said bill, and it was first indorsed to them after it was overdue.

6. The plaintiffs never gave any value or consideration for the said bill.

7. The plaintiffs took the said bill with notice of the facts stated in the second, third, and fourth paragraphs hereof.

Delivered the day of 18 by *X. Y.*, of Plaintiff's Solicitor.

No. 6.

[187

Bill of exchange and consideration.

In the High Court of Justice,
——— Division.

Writ issued 3rd August, 187 .
Between *A. B.* and *C. D.*, Plaintiffs,
and
E. F. and *G. H.*, Defendants.

Statement of Claim.

Claim.

1. The plaintiffs are merchants, factors, and commission agents, carrying on business in Toronto.

2. The defendants are merchants and commission agents, carrying on business at Montreal.

3. For several years prior to the 187 , the plaintiffs had been in the habit of consigning goods to the defendants for sale, as their agents, and the defendants had been in the habit of consigning goods to the plaintiffs for sale, as their agents; and each party always received the price of the goods sold by him for the other; and a balance was from time to time struck between the parties, and paid.

On the of , the moneys so received by the defendants for the plaintiffs, and remaining in their names, largely exceeded the moneys received by the plaintiffs for the defendants, and a balance of $ was accordingly due to the plaintiffs from the defendants.

4. On or about the , 187 , the plaintiffs sent to the defendants a statement of the accounts between them, showing the said sum as the balance due to the plaintiffs from the defendants; and the defendants agreed to the said statement of accounts as correct, and to the said sum of $ as the balance due by them to the plaintiffs, and agreed to pay interest on such balance if time were given to them.

5. The defendants requested the plaintiffs to give them three months' time for payment of the said sum of $, and the plaintiffs agreed to do so upon the defendants accepting the bills of exchange hereinafter mentioned.

6. The plaintiffs thereupon on the drew two bills of exchange upon the defendants, one for $, and the other for $, both payable to the order of the plaintiffs three months after date, and the defendants accepted the bills.

The said bills became due on the 187 , and the defendants have not paid the bills, or either of them, nor the said sum of $

The plaintiffs claim :—

$ and interest to the date of judgment.

The plaintiffs propose that the action should be tried at Toronto.

Delivered the day of 18 by *X. Y.*, of Plaintiff's Solicitor.

No. 7

R. S. C., Form 13.

[187 .]

In the High Court of Justice,
——— Division.

False imprisonment.

Writ issued 3rd August, 187 .

Between *A. B.*, Plaintiff,
and
E. F., Defendant.

Statement of Claim.

Claim.

1. The plaintiff is a journeyman painter. The defendant is a builder, having his building yard, and carrying on business at Ottawa, and for six months before and up to the 22nd August, 187 , the plaintiff was in the defendant's employment as a journeyman painter.

2. On the said 22nd August, 187 , the plaintiff came to work as usual in the defendant's yard, at about six o'clock in the morning.

3. A few minutes after the plaintiff had so come to work the defendant's foreman, *X. Y.*, who was then in the yard, called the plaintiff to him, and accused the plaintiff of having on the previous day stolen a quantity of paint, the property of the defendant, from the yard. The plaintiff denied the charge, but *X. Y.* gave the plaintiff into the custody of a constable, whom he had previously sent for, upon a charge of stealing paint.

4. The defendant was present at the time when the plaintiff was given into custody, and authorized and assented to his being given into custody; and in any case *X. Y.*, in giving him into custody, was acting within the scope and in the course of his employment as the defendant's foreman, and for the purposes of the defendant's business.

5. The plaintiff upon being so given into custody, was taken by the said constable a considerable distance through various streets, on foot, to the police station, and he was there detained in a cell till late in the same afternoon, when he was taken to the police court, and the charge against him was heard before the magistrate then sitting there, and was dismissed.

6. In consequence of being so given into custody, the plaintiff suffered annoyance and disgrace, and loss of time and wages, and loss of credit and reputation, and was thereby unable to obtain any employment or earn any wages for three months.

The plaintiff claims $ damages.

The plaintiff proposes that this action should be tried in the city of Ottawa.

Delivered the day of 18 by *X. Y.*, of Plaintiff's Solicitor.

[Title.]

Statement of Defence.

Defence.

1. The defendant denies that he was present at the time when the plaintiff was given into custody, or that he in any way authorized or assented to his being given into custody. And the said *X. Y.*, in giving the plaintiff into custody, did not act within the scope or in the course of his employment as the defendant's foreman, or for the purposes of the defendant's business.

2. At some time about five or six o'clock on the , being the evening before the plaintiff was given into custody, a large quantity of paint had been feloniously stolen by some person or persons from a shed upon the defendant's yard and premises.

3. At about 5.30 o'clock on the evening of the the plaintiff, who had left off work about half an hour previously, was seen coming out

of the shed when no one else was in it, although his work lay in a distant part of the yard from, and he had no business in or near, the shed. He was then seen to go to the back of a stack of timber in another part of the yard. Shortly afterwards the paint was found to have been stolen, and it was found concealed at the back of the stack of timber behind which the plaintiff had been seen to go.

4. On the following morning, before the plaintiff was given into custody, he was asked by *X. Y.* what he had been in the shed and behind the stack of timber for, and he denied having been in either place. *X. Y.* had reasonable and probable cause for suspecting, and did suspect that the plaintiff was the person who had stolen the paint, and thereupon gave him into custody.

Delivered the day of 18 by *X. Y.*, of Plaintiff's Solicitor.

No. 8.

R. S. C. Form 14.

Foreclosure.

[187 .]

In the High Court of Justice,
Chancery Division.

Writ issued [ ].
Between *R. W.* Plaintiff,
and
O. S. and *J. B.*, Defendants.

Statement of Claim.

Claim.

1. By an indenture dated the 25th of March, 1877, made between the defendant, *O. S.*, of the one part, and the plaintiff of the other part, the plaintiff is a mortgagee of a certain freehold property cotaining 398 acres, situate in the Township of *B.*, in the County of *D.*, being (insert a general description of the property) with all the iron and other mines and minerals in and under the same, for securing the sum of $5,000 and interest.

2. By an indenture dated the 1st day of April, 1877, made between the defendant, *O.S.*, of the one part, and the defendant, *J. B.*, of the other part, the defendant, *O. S.*, conveyed to the defendant, *J. B.*, and his heirs the hereditaments comprised in the hereinbefore stated security for the plaintiff, or some parts thereof, subject to the plaintiff's said security, and subject to a proviso for redemption of the same premises on payment to the defendant, *J. B.*, of the sum of $15,000, with interest for the same in the meantime at the rate of 10 per cent. per annum.

3. The time for payment has elapsed, and nothing has been paid on account of principal or interest, (or $ has been paid on account of principal, and $ on account of interest.)

4. There is now due under the said indenture for principal $, and interest $

5. The plaintiff has not been in occupation of the premises, or of any part thereof, (or the plaintiff has been in occupation of the premises, or some part thereof, from the day of , A.D. , to the day of , A.D. .)

[*The four following paragraphs to be introduced into statement of claim by amendment to meet defence infra.*]

6. When the defendant *O. S.*, in the year 1876, applied to the plaintiff to advance him the sum of $10,000, he offered to the plaintiff as a security the lands which were afterwards comprised in the indenture of the 25th of March 1877, including the mines and minerals which he now alleges were not to form part of the security, and the plaintiff agreed to lend the said sum upon the security of the said lands, including such mines and minerals. During the negotiations for the said loan a valuation of the property to be included in the mortgage was delivered to the plaintiff on behalf of the said defendant. Such valuation included the mines and minerals; and the plaintiff consented to make the loan on the faith of such valuation. The plaintiff did not know when he took his security that it did not include any interest in the said mines and minerals; on the contrary, he believed that the entirety of such mines and minerals was to be included therein.

7. Save so far as the plaintiff's solicitor may have had notice by means of the abstract of title that the mines and minerals under the said lands

did not belong to the defendant *O. S.*, the plaintiff had not any notice thereof, and he does not admit that it appeared from the abstract of title that such was the case.

8. The plaintiff admits that when he took his security he was aware that there was endorsed on the deed by which the said lands were conveyed by *J. C. A.* in the counter-claim named a notice of a settlement of 24th March, 1870, but he had no further or other notice thereof, and though his solicitor enquired after such settlement none was ever produced.

9. The plaintiff submits that if it shall appear that no further interest in the said mines and minerals was conveyed to him by his said security than one undivided moiety of a term of 500 years therein, as alleged by the said counter-claim, such interest is effectually included in the plaintiff's said security, and that he is entitled to foreclose the same.

The plaintiff claims :

1. Payment of the said sum of $, and interest thereon, and the costs of this suit, or in default thereof, a foreclosure of the equity of redemption in the said lands, (or in default thereof, a sale of the said premises, and the application of the produce thereof in or towards payment of said debt and costs.)
2. To have all proper directions and accounts.
3. Such further or other relief as the case may require.

The plaintiff proposes that this action should be tried at Toronto.

Delivered the day of 18 by *X. Y.*, of Plaintiff's Solicitor.

[187.

In the High Court of Justice,
Chancery Division.

Between *R. W.*, Plaintiff,
and
O. S. and *J. B.*, Defendants,
(by original action)
And between the said *O. S.*, Plaintiff,
and
The said *R. W.* and *J. P.* and *J. W.*, Defendants,
(by counter-claim)

The Defence and Counter-claim of the above-named O. S.

Defence.

1. This defendant does not admit that the contents of the indenture of the 25th day of March 1877, in the plaintiff's statement of complaint mentioned, are correctly stated therein.

2. The indenture of the 1st day of April, 1867, in the statement of claim mentioned, was not a security for the sum of $15,000, but for the sum of $14,000 only, with interest.

3. This defendant submits that under the circumstances in his counter-claim mentioned, the said indentures of the 25th day of March 1877, and the 1st day of April 1877, did not create any effectual security upon the mines and minerals in and under the lands in the same indentures comprised, and that the same mines and minerals ought to be treated as excepted out of the said securities.

And by way of counter-claim this defendant states as follows :—

Counter-claim.

1. At the time of the execution of the indenture next hereinafter stated, *J. C. A.* was seised in fee simple in possession of the lands described in the said indentures, and the mines and minerals in and under the same.

2. By indenture dated the 24th of March 1870, made between the said *J. C. A.* of the first part, *E.* his wife, then *E. S.*, spinster, of the second part, and this defendent and the above-named J. W. of the third part, being a settlement made in contemplation of the marriage, shortly after solemnized, between the said *J. C. A.* and his said wife, the said *J. C. A.* granted to this defendant and the said *J. W.*, and their heirs, all the iron and other mines and minerals under the said lands, with such powers and privileges as in the nowstating indenture mentioned, for the purpose of winning, working, and getting the same mines and minerals, to hold the same premises to this defendant and the said *J. W.* and their heirs to the use of the said *J. C. A.*, his heirs and assigns, till the solemnization of the said

marriage, and after the solemnization thereof to the use of this defendant and the said *J. W.*, their executors and administrators, for the term of 500 years, from the day of the date of the now stating indenture, upon the trusts therein mentioned, being trusts for the benefit of the said J. *C. A.*, and his wife and the children of their marriage, and from and after the expiration or other determination of the said term of 500 years, and in the meantime subject thereto, to the use of the said *J. C. A.*, his heirs and assigns for ever.

3. By indenture dated the 12th of May 1870, made between the said *J. C. A.* of the one part, and *W. N.* of the other part, the said *J. C. A.* granted to the said *W. N.* and his heirs the said lands, except the mines and minerals thereunder, to hold the same premises unto and to the use of the said *W. N.*, his heirs and assigns for ever, by way of mortgage, for securing the payment to the said *W. N.*, his executors, administrators, or assigns, of the sum of $26,000, with interest as therein mentioned.
4. On the 14th of January 1874, the said *J. C. A.* became insolvent, and shortly afterwards *J. L.* was appointed assignee of his estate.
5. Sometime after the said insolvency the said *W. N.*, under a power of sale in his said mortgage deed, contracted with this defendent for the absolute sale to this defendant of the property comprised in his said security for an estate in fee simple in possession, free from incumbrances, for the sum of $26,000, and the said *J. L.*, as such assignee as aforesaid, agreed to join in the conveyance to this defendant for the purpose of signifying his assent to such sale.
6. By indenture dated the 1st of September 1876, made between the said *W. N.* of the first part, the said *J. L.* of the second part, the said *J. C. A.* of the third part, and this defendant of the fourth part, reciting the said agreement for sale, and reciting that the said *J. L.*, being satisfied that the said sum of $26,000 was a proper price, had, with the sanction of the Inspectors, agreed to confirm the said sale, it was witnessed that in consideration of the sum of $26,000, with the privity and approbation of the said *J. L.*, paid by this defendant to the said *W. N.*, he the said *W. N.* granted, and the said *J. C. A.* ratified and confirmed, to this defendant and his heirs, all the hereditaments comprised in the said security of the 12th day of May 1870, with their rights, members, and appurtenances, and all the estate, right, title, and interest of them, the said *W. N.* and *J. C. A.* therein, to hold the same premises unto and to the use of this defendant, his heirs and assigns for ever.
7. The sale to this defendant was not intended to include anything not included in the security of the 12th of May, 1870, and the said *J. L.* only concurred therein to signify his approval of the said sale, and did not purport to convey any estate vested in him; and the lastly hereinbefore stated indenture did not vest in this defendant any estate in the said mines and minerals.
8. The plaintiff and the defendent *J. B.* respectively, had, before they advanced the moneys lent by them on their securities in the plaintiff's claim mentioned, full notice that the mines and minerals under the said lands did not belong to this defendant. This fact appeared on the abstracts of title delivered to them before the preparation of their said securities. A valuation of the property made by a surveyor was furnished to them respectively on behalf of this defendant before they agreed to advance their money on their said securities; but although the said lands are in a mineral district the mines and minerals were omitted from such valuation, and they respectively knew at the time of taking their said securities that the same did not include any interest in the mines and minerals.
9. At the time when the securities of the plaintiff and the defendant *J. B.* were respectively executed, the plaintiff and the defendant *J. B.* respectively had notice of the said indenture of settlement of the 24th day of March, 1870.
10. The said security to the plaintiff was by mistake framed so as to purport to include the mines and minerals under the said lands, and by virtue thereof the legal estate in a moiety of the said mines and minerals became and is now vested in the plaintiff for the residue of the said term of 500 years.

The defendant *O. S.* claims as follows:

1. That it may be declared that neither the plaintiff nor the defendant *J. B.* has any charge or lien upon that one undivided moiety, which in manner aforesaid became vested in the plaintiff for the residue of the said term of 500 years, of and in the mines and minerals in and under the lands mentioned in the plaintiff's said security.

2. That it may be declared that the said mines and minerals, rights and privileges, which by the said indenture of settlement were vested in the defendant *O. S.* and the said *J. W.* for the said term of 500 years, upon trust as therein mentioned, ought to be so conveyed and assured as that the same may become vested in the defendant *O. S.* and the said *J. W.* for all the residue of the said term upon the trusts of the said settlement.
3. That the said *R. W.* and *J. W.* may be decreed to execute all such assurances as may be necessary for giving effect to the declaration secondly hereinbefore prayed.
4. To have such further or other relief as the nature of the case may require.

Delivered the day of 18 by
X. Y., of Plaintiff's Solicitor.

No. 9.

(R. S. C., Form 15.) **Fraud.**

In the High Court of Justice.
Common Pleas Division.

Writ issued 3rd August, 1881.
Between *A. B.*, Plaintiff,
and
E. F., Defendant.

Statement of Claim.

1. In or about March, 1875, the defendant caused to be inserted in the Newspaper an advertisement, in which he offered for sale the ease fixtures, fittings, goodwill, and stock-in-trade of a baker's shop and business, and described the same as an increasing business, and doing 12 barrels a week. The advertisement directed application for particulars to be made to *X. Y.* **Claim.**
2. The plaintiff having seen the advertisment applied to *X. Y.*, who placed him in communication with the defendant, and negotiations ensued between the plaintiff and the defendant for the sale to the plaintiff of the defendant's bakery at with the lease, fixtures, fittings, stock-in-trade, and good-will.
3. In the course of these negotiations the defendant repeatedly stated to the plaintiff that the business was a steadily increasing business, and that it was a business of more than 12 barrels a week.
4. On the 5th of April, 1875, the plaintiff, believing the said statements of the defendant to be true, agreed to purchase the said premises from the defendant, for $2000, and paid to him a deposit of $300 in respect of the purchase.
5. On the 15th of April the purchase was completed, an assignment of the lease executed, and the balance of the purchase money paid. On the same day the plaintiff entered into possession.
6. The plaintiff soon afterwards discovered that at the time of the negotiations for the said purchase by him and of the said agreement, and of the completion thereof, the said business was and had long been a declining business; and at each of those times, and for a long time before, it had never been a business of more than 4 barrels a week. And the said premises were not of the value of $2,000, or any saleable value whatever.
7. The defendant made the false representations hereinbefore mentioned well knowing them to be false, and fraudulently, with the intention of inducing the plaintiff to make the said purchase on the faith of them.

The plaintiff claims $ damages.
The plaintiff proposes that the action shall be tried at Belleville.

Delivered the day of 18 by
X. Y., of Plaintiff's Solicitor.

[Title.]

Statement of Defence.

1. The defendant says that at the time when he made the representations mentioned in the third paragraph of the statement of claim and throughout **Defence.**

the whole of the transactions between the plaintiff and defendant, and down to the completion of the purchase and the relinquishment by the defendant of the said shop and business to the plaintiff, the said business was an increasing business, and was a business of over 12 barrels a week. And the defendant denies the allegations of the sixth paragraph of the statement of claim.

2. The defendant repeatedly during the negotiations told the plaintiff that he must not act upon any statement or representation of his, but must ascertain for himself the extent and value of the said business. And the defendant handed to the plaintiff for this purpose the whole of his books showing fully and truthfully all the details of the said business, and from which the nature, extent, and value thereof could be fully seen, and those books were examined for that purpose by the plaintiff, and by an accountant on his behalf. And the plaintiff made the purchase in reliance upon his own judgment, and the result of his own inquiries and investigations and not upon any statement or representation whatever of the defendant

3. The defendant admits the allegations of the paragraphs 1, 2, 3 and 4 of the statement of claim.

Delivered the day of 18 by
X. Y., of Plaintiff's Solicitor.

No. 10.

Guarantee.

(R. S. C., Form 16.)

In the High Court of Justice,
——— Division.

Writ issued 3rd August, 1881.

Between *A. B.* and *C. D.*, Plaintiffs,
and
E. F. and *G. H.*, Defendants.

Statement of Claim.

Claim.

1. The plaintiffs are brewers, carrying on their business at Guelph, under the firm of *X. Y. & Co.*

2. In the month of March, 1879, *M. N.* was desirous of entering into the employment of the plaintiffs as a traveller and collector, and it was agreed between the plaintiffs and the defendants and *M. N.*, that the plaintiffs should employ *M. N.* upon the defendants entering into the guarantee hereinafter mentioned.

3. An engagement in writing was accordingly made and entered into, on or about the 30th March, 1879, between the plaintiffs and the defendant, whereby, in consideration that the plaintiffs would employ *M. N.* as their collector, the defendants agreed that they would be answerable for the due accounting by *M. N.* to the plaintiffs for, and the due payment over by him to the plaintiffs of all, moneys which he should receive on their behalf as their collector.

4. The plaintiffs employed *M. N.* as their collector accordingly, and he entered upon the duties of such employment, and continued therein down to the 31st December, 1880.

5. At various times between the 29th of September, and the 25th of December, 1880, *M. N.* received on behalf of the plaintiffs and as their collector, sums of money from debtors of the plaintiffs, amounting in the whole to the sum of $3,400; and of this amount *M. N.* neglected to account for or pay over to the plaintiffs sums amounting in the whole to $908, and appropriated the last-mentioned sums to his own use.

6. The defendants have not paid the last-mentioned sums, or any part thereof, to the plaintiffs.

The plaintiffs claim :—

The plaintiffs propose that the action should be tried at Guelph.

Delivered the day of 18 by
X. Y., of Plaintiff's Solicitor.

No. 11.

Landlord and tenant.

(R. S. C., Form 18.)

In the High Court of Justice,
——— Division.

Writ issued 3rd August, 1881.
Between *A. B.*, Plaintiff,
and
C. D., Defendant.

Statement of Claim.

Claim.

1. On the day of the plaintiff, by deed, let to the defendant a house and premises, No. 52 Street, in the city of Belleville, for a term of 21 years from the day of , at the yearly rent of $400 payable quarterly.

2. By the said deed, the defendant covenanted to keep the said house and premises in good and tenantable repair.

3. The said deed also contained a clause of re-entry, entitling the plaintiff to re-enter upon the said house and premises, in case the rent thereby reserved, whether demanded or not, should be in arrear for 21 days, or in case the defendant should make default in the performance of any covenant upon his part to be performed.

4. On the , a quarter's rent became due; and on the , another quarter's rent became due. On the , both had been in arrear for 21 days, and both are still due.

5. On the same , the house and premises were not, and are not now, in good or tenantable repair, and it would require the expenditure of a large sum of money to reinstate the same in good and tenantable repair, and the plaintiffs reversion is much depreciated in value.

The plaintiff claims:—

1. Possession of the said house and premises.
2. $ for arrears of rent.
3. $ damages for the defendant's breach of his covenant to repair.
4. $ for occupation of the house and premises from the , to the day of recovering possession.

The plaintiff proposes that this action should be tried at Belleville.

Delivered the day of 18 by *X. Y.*, of Plaintiff's Solicitor.

No. 12.

(R. S. C., Form 20.)

[18 . .] Negligence.

In the High Court of Justice,
——— Division.

Writ issued 3rd August, 1881.
Between *A. B.*, Plaintiff,
and
E. F., Defendant.

Statement of Claim.

Claim.

1. The plaintiff is a shoemaker, carrying on business at Toronto. The defendant is a soap and candle manufacturer at the same place.

2. On the 23rd May, 1881, the plaintiff was walking eastward along the south side of King Street, in the city of Toronto, at about three o'clock in the afternoon. He was obliged to cross Yonge Street, which is a street running into King Street at right angles on the north side. While he was crossing this street, and just before he could reach the foot pavement on the further side thereof, a two-horse van of the defendant's, under the charge and control of the defendant's servants, was negligently, suddenly, and without any warning, turned at a rapid and dangerous pace out of King Street into Yonge Street. The pole of the van struck the plaintiff and knocked him down, and he was much trampled by the horses.

3. By the blow and fall and trampling the plaintiff's left arm was broken, and he was bruised and injured on the side and back, as well as internally, and in consequence thereof the plaintiff was for four months ill and suffer-

ing, and unable to attend to his business, and incurred heavy medical and other expenses, and sustained great loss of business and profits.

The plaintiff claims $ damages.

The plaintiff proposes that the action should be tried at Toronto.

Delivered the day of 18 by
X. Y., of Plaintiff's Solicitor.

[Title.]

Statement of Defence.

Defence.

1. The defendant denies that the van was the defendant's van, or that it was under the charge or control of the defendant's servant. The van belonged to John Smith, of , a carman and contractor employed by the defendant to carry and deliver goods for him; and the persons under whose charge and control the said van was were the servants of the said John Smith.

2. The defendant does not admit that the van was turned out of King Street, either negligently, suddenly, or without warning, or at a rapid or dangerous pace.

3. The defendant says, that the plaintiff might and could, by the exercise of reasonable care and diligence, have seen the van approaching him, and avoided any collision with it.

Delivered the day of 18 by
X. Y., of Plaintiff's Solicitor.

No. 12.

Promissory Note.

[187 .]

(R. S. C., Form 22.)

In the High Court of Justice.
——— Division.

Writ issued 3rd August, 18 .

Between *A. B.*, Plaintiff,
and
E. F., Defendant.

Statement of Claim.

Claim.

1. The defendant on the day of made his promissory note, whereby he promised to pay to the plaintiff or his order $ three months after date.

2. The note became due on the day of 18 , and the defendant has not paid it.

The plaintiff claims:—

The amount of the note and interest thereon to judgment.

The plaintiff proposes that this action should be tried at Peterborough.

Delivered the day of 18 by
X. Y., of Plaintiff's Solicitor.

[Title.]

Statement of Defence.

Defence.

1. The defendant made the note sued upon under the following circumstances:—The plaintiff and defendant had for some years been in partnership as coal merchants, and it had been agreed between them that they should dissolve partnership, that the plaintiff should retire from the business, that the defendant should take over the whole of the partnership assets and liabilities, and should pay the plaintiff the value of his share in the assets after deducting the liabilities.

2. The plaintiff thereupon undertook to examine the partnership books, and inquire into the state of the partnership assets and liabilities; and he did accordingly examine the books, and make the said inquiries, and he thereupon represented to the defendant that the assets of the firm exceeded $10,000, and that the liabilities of the firm were under $3000, whereas the fact was that the assets of the firm were less than $5000, and the liabilities of the firm largely exceeded the assets.

3. The misrepresentations mentioned in the last paragraph induced the defendant to make the note now sued on, and there never was any other consideration for the making of the note.

Delivered the day of 18 . by
X. Y., of Plaintiff's Solicitor.

No. 13.

(R. S. C., Form 24.)

[18] Recovery of Land. Landlord and Tenant.

In the High Court of Justice.
——— Division.

Writ issued 3rd August 18 .

Between *A. B.*, Plaintiff,
and
C. D., Defendant.

Statement of Claim.

1. On the day of the plaintiff let to the defendant a house, No. 62 Street, in the city of Ottawa, as tenant from year to year, at the yearly rent of $420, payable quarterly, the tenancy to commence on the day of .

2. The defendant took possession of the house and continued tenant thereof until the day of last, when the tenancy determined by a notice duly given.

3. The defendant has disregarded the notice and still retains possession of the house.

[*Amendment to meet the counter-claim infra.*]

4. The defendant *C. D.* sets up in his defence that the plaintiff agreed to give to the defendant a new lease and the plaintiff *A. B.* admits the agreement stated in the statement of defence, but he refuses to grant to the defendant a lease, for such agreement provided that the lease should contain a covenant by the defendant to keep the house in good repair and a power of re-entry by the plaintiff upon breach of such covenant, and the plaintiff says that the defendant has not kept the house in good repair, and the same is now in a dilapidated condition.

The plaintiff claims:—

1. Possession of the house.

2. $ for mesne profits from the day of .

The plaintiff proposes that this action should be tried at Ottawa.

Delivered the day of 18 by
X. Y., of Plaintiff's Solicitor.

[18 .]

In the High Court of Justice.
——— Division.

Between *A. B.*, Plaintiff,
and
C. D., Defendant.
(by original action,)

And between *C. D.*, Plaintiff.
and
A. B., Defendant.
(by counter-claim.)

Defence.

The defence and counter-claim of the above-named *C. D.*

1. Before the determination of the tenancy mentioned in the statement of claim, the plaintiff *A. B.*, by writing dated the day of , and signed by him, agreed to grant to the defendant *C. D.*, a lease of the house mentioned in the statement of claim, at the yearly rent of $450, for the term of 21 years, commencing from the day of , when the defendant, *C. D.*'s, tenancy from year to year determined, and the defendant has since that date been and still is in possession of the house under the said agreement.

Counter-claim.

2. By way of counter-claim the defendant claims to have the agreement specifically performed, and to have a lease granted to him accordingly, and for the purpose aforesaid to have this action transferred to the Chancery division.

Delivered the day of 18 by *X. Y.*, of Plaintiff's Solicitor.

No. 14.

(R. S. C., Form 25.)

[18 .]

Recovery of Land.

In the High Court of Justice,
——— Division.

Writ issued 3rd August 18 .

Between *A. B.* and *C. D.*, Plaintiffs,
and
E. F., Defendant.

Statement of Claim.

Claim.

1. *K. L.*, late of Barrie in the county of Simcoe duly executed his last will, dated the 4th day of April 18 , and thereby devised his lands at or near Barrie, and all other his lands in the county of Simcoe unto and to the use of the plaintiffs and their heirs, upon the trusts therein mentioned for the benefit of his daughters Margaret and Martha, and appointed the plaintiffs executors thereof.

2. *K. L.* died on the 3rd day of January 18 , and his said will was proved by the plaintiffs in the proper Surrogate Court on or about the 4th day of February, 18 .

3. *K. L.* was at the time of his death seised in fee of a house in Barrie, and two farms near there, being respectively lot No. one in the 3rd concession of the township of———, and lot No. five in the 4th concession of the township of———, both in the County of Simcoe.

4. The defendant, soon after the death of *K. L.*, entered into possession of the house and two farms, and has refused to give them up to the plaintiff.

The plaintiffs claim:

1. Possession of the house and two farms:

2. $ for mesne profits of the premises from the death of *K. L.* till such possession shall be given.

The plaintiffs propose that this action should be tried at Barrie.

Delivered the day of 18 by *X. Y.*, of Plaintiff's Solicitor.

[Title]

Statement of Defence.

Defence.

1. The defendant is the eldest son of *I. L.* deceased, who was the eldest son of *K. L.*, in the statement of claim named.

2. By articles bearing date the 31st day of May, 1857, and made previous to the marriage of *K. L.* with Martha his intended wife, *K. L.*, in consideration of such intended marriage, agreed to settle the house and two farms in the statement of claim mentioned (and of which he was then seised in fee) to the use of himself for his life, with remainder to the use of his intended wife for her life, and after the survivor's decease, to the use of the heirs of the body of the said *K. L.* on his wife begotten, with other remainders over.

3. The marriage soon after took effect, *K. L.*, by deeds of lease and release, bearing date respectively the 4th and 5th of April, 1858, after reciting the articles in alleged performance of them, conveyed the house and two farms to the use of himself for his life, with remainder to the use of his wife for her life, and after the decease of the survivor of them, to the use of the heirs of the body of *K. L.* on the said Martha to be begotten, with other remainders over.

4. There was issue of the marriage an only son Thomas *L.* and two daughters. After the death of Thomas *L.* , which took place in February 1864, *K. L.*, on the 3rd May 1864, executed a disentailing assurance, which was duly enrolled and thereby conveyed the house and two farms to the use of himself in fee.

Delivered the day of 18 by
X. Y., of Plaintiff's Solicitor.

No. 15.

(R. S. C., Form 27.)

[18 . .] Trespass. To Land.

In the High Court of Justice,
——— Division.

Writ issued 3rd August, 18 .

Between *A. B.*, Plaintiff,
and
E. F., Defendant.

Statement of Claim.

1. The plaintiff was on the 5th March, 18 , and still is the owner and occupier of a farm in the Township of and County of , being lot No. 4 in the 7th concession of the said Township. Claim.

2. A private road, known as Highfield Lane, runs through a portion of the plaintiff's farm. It is bounded upon both sides by fields of the plaintiff's and is separated therefrom by a fence and ditch.

3. For a long time prior to the 5th March, 18 , the defendant had wrongfully claimed to use the said road for his horses, carts and waggons on the alleged ground that the same was a public highway, and the plaintiff had frequently warned him that the same was not a public highway, but the plaintiff's private road, and that the defendant must not so use it.

4. On the 5th March, 18 , the defendant came with a cart and horse, and a large number of servants and workmen, and forcibly used the road, and broke down and removed a gate which the plaintiff had caused to be placed across the same.

5. The defendant and his servants and workmen on the same occasion pulled down and damaged the plaintiff's fence and ditch upon each side of the road, and went upon the plaintiff's field beyond the fence and ditch, and injured the crops there growing, and dug up and injured the soil of the road; and in any case the acts mentioned in this paragraph were wholly unnecessary for the assertion of the defendant's alleged right to use, or the user of the said road as a highway.

The plaintiff claims:

1. Damages for the wrongs complained of.
2. An injunction restraining the defendant from any repetition of any of the acts complained of.
3. Such further relief as the nature of the case may require.

The plaintiff proposes that this action should be tried at Woodstock.

Delivered the day of 18 by
X. Y., of Plaintiff's Solicitor.

[Title.]

Statement of Defence.

1. The defendant says that the road was and is a public highway for horses and carriages; and a few days before the 5th March, 18 , the

plaintiff wrongfully erected the gate across the road for the purpose of obstructing and preventing, and it did obstruct and prevent the use of the road as a highway. And the defendant on the said 5th March, 18 , caused the said gate to be removed, in order to enable him lawfully to use the road by his horses, carts and waggons as a highway.

2. The defendant denies the allegations of the fifth paragraph of the statement of claim, and says that neither he nor any of his workmen or servants did any act, or used any violence other than was necessary to enable the plaintiff lawfully to use the highway.

Delivered the day of 18 by
X. Y., of Plaintiff's Solicitor.

No. 16.

Statement of Claim.

Action on Bill of Exchange.

[18 .]

In the High Court of Justice,
——— Division.

Writ issued 1st February, 1881.

Between *A. B.*, Plaintiff,
and
C. D., Defendant.

Claim.

1. The plaintiff on the day of A.D. , drew a bill of exchange upon the defendant for $ payable three months after date, and the defendant accepted the same.

2. The bill became due on day of A.D. and the defendant has not paid it.

3. [*Amendment to meet defence infra.*] The defendant, who at the time of the acceptance of the said bill was an infant within the age of twenty-one years; after he attained full age and before action, by a writing made and signed by him, ratified and confirmed the said acceptance.

The plaintiff claims :

The plaintiff proposes that this action should be tried at Picton.

Delivered the day of 18 by
X. Y., of Plaintiff's Solicitor.

Statement of Defence.

[Title.]

At the time of making the alleged acceptance of the said bill the defendant was an infant within the age of twenty-one years.

Delivered the day of 18 by
X. Y., of Plaintiff's Solicitor.

No. 17.

Statement of Claim.

Action for Assault.

[18 .]

In the High Court of Justice.
——— Division.

Writ issued 15th March, 1881.

Between *A. B.*, Plaintiff,
and
E. F., Defendant.

1. The plaintiff is a carrying on business at .

2. On the day of the defendant assaulted the plaintiff, and the plaintiff was seriously hurt and wounded, and was for a

long time, in consequence of his injuries, unable to transact his business, and incurred expense for nursing and medical attendance.

3. [*Amendment to meet defence infra.*] The defendant pretends that he committed the assault complained of in his own defence; but the facts are that the defendant was trespassing on the plaintiff's land, and refused to leave though requested to do so, whereupon the plaintiff laid his hands on the defendant in order to remove him, using so much force and no more than was necessary for that purpose.

The plaintiff claims $ damages.

The plaintiff proposes that this action should be tried at Brockville.

Delivered the day of 18 by *X. Y.*, of Plaintiff's Solicitor.

[Title.]

Statement of Defence.

The plaintiff first assaulted the defendant who, thereupon, committed the alleged assault in his own defence.

Delivered the day of 18 by *X. Y.*, of Plaintiff's Solicitor.

No. 18.

Statement of Claim.

[187 .]

In the High Court of Justice.
——— Division.
Writ issued
Between *A. B.*, Plaintiff,
and
——— Defendants.

Action against Railway Company for Injuries by Collision caused through Negligence.

1. The defendants are carriers of passengers upon a railway from Toronto to

2. In January, 1881, the plaintiff took a ticket from Toronto to and was received by the defendants as a passenger to be by them safely carried in a train which started from Toronto for .

3. Owing to the negligence of the defendants in the management of their railway, the train in which the plaintiff was travelling came into collision with an engine, at a short distance from Toronto.

4. The plaintiff was thrown from his seat by the said collision, and much injured about the head, and had his right arm broken.

5. [*The following paragraphs are introduced by amendment to meet Defence infra.*] The defendants allege that the plaintiff accepted the sum of $300 in full satisfaction of all cause of action which he might have on account of the said collision, but the facts are as follows:

6. A short time after the collision an officer of the defendants procured the plaintiff to accept the said accord and satisfaction by fraudulently representing that his injuries were of a temporary nature, and that if they should afterwards turn out to be more serious than he anticipated, he would still be able to obtain further compensation from the defendants.

7. The plaintiff fully believing the said representations, and acting upon the faith thereof, was induced thereby to accept the said accord and satisfaction, and then accepted the same subject to the express condition that he should not thereby exclude himself from further compensation from the defendants if his injuries should prove more serious than he then anticipated.

8. After the acceptance of the said accord and satisfaction, the injuries suffered by the plaintiff in the collision did turn out to be more serious than was anticipated at the time aforesaid, and thereupon the plaintiff commenced the present action.

The plaintiff claims $ damages.

The plaintiff proposes that this action should be tried at Toronto.

Delivered the day of 18 by *X. Y.*, of Plaintiff's Solicitor.

[Title.]

Statement of Defence.

1. Shortly after the collision referred to in the statement of claim, one of the officers of the defendants called upon the plaintiff for the purpose of ascertaining from him whether he intended to make any claim against the defendants, arising out of the said collision.

2. At such interview the plaintiff informed the said officer that he did intend to make a claim against the defendants arising out of the said collision; and it was there and then agreed between the plaintiff and the said officer acting on behalf of the defendants, that in consideration that the defendants would pay to the plaintiff a sum of $300, he, the plaintiff, would accept such sum from the defendants in full satisfaction and discharge of all cause of action which he had or might have against the said defendants on account of the said colision.

3. Thereupon the said officer acting on behalf of the defendants, paid to the plaintiff the sum of $300, and the plaintiff received the same in full discharge of the aforesaid cause of action.

Delivered the day of 18 by *X. Y.*, of Plaintiff's Solicitor.

No. 19.

(R. S. C., Form 28.)

Form of Demurrer.

In the High Court of Justice,
——— Division.

A. B v. C. D.

The defendant [plaintiff] demurs to the [plaintiff's statement of com plaint *or* defendant's statement of defence, *or* of set-off, *or* of counter-claim] [*or* to so much of the plaintiff's statement of complaint as claims *or* as alleges as a breach of contract the matters mentioned in paragraph 17, *or as the case may be*], and says that the same is bad in law on the ground that [*here state a ground of demurrer*] and on other grounds, sufficient in law to sustain this demurrer.

Delivered the day of 18 by *X. Y.*, of Plaintiff's Solicitor.

No. 20.

(R. S. C., Form 29.)

Memorandum of Entry of Demurrer for Argument.

[18 .

In the High Court of Justice,
——— Division.

A. B. v. C. D.

Enter for the argument the demurrer of to

X. Y.,
Solicitor for the plaintiff [*or, &c.*]

APPENDIX (D.)

(*See* Imp. Act of 1875, Appendix D.)

FORMS OF JUDGMENT.

1. *Default of Appearance and Defence in case of Liquidated Demand.*

[18 .]

In the High Court of Justice.
——— Division.

Between *A. B.*, Plaintiff.
and
C. D. and *E. F.*, Defendants.

30th November, 18 .

The defendants [*or* the defendant *C. D.*] not having appeared to the writ of summons herein [*or not having delivered any statement of defence*], it is this day adjudged that the plaintiff recover against the said defendant , and costs to be taxed.

2. *Judgmen in Default of Appearance in Action for Recovery of Land.*

[Title, &c.]

30th November, 18 .

No appearance having been entered to the writ of summons herein, it is this day adjudged that the plaintiff recover possession of the land in the said writ mentioned.

3. *Judgment in Default of Appearance and Defence after Assessment of Damages.*

[18 .]

In the High Court of Justice.
——— Division.

Between *A. B.* and *C. D.*, Plaintiffs,
and
E. F. and *G. H.*, Defendants.

30th November, 18 .

The defendants not having appeared to the writ of summons herein [*or not having delivered a statement of defence*], and the damages which the plaintiff was entitled to recover having been assessed at $; as by dated the 1881 appears, it is adjudged that the plaintiff recover $ and costs to be taxed.

4. *Judgment at Trial by Judge without a Jury.*

——— Division.

day of 18 .

Between *A. B.*, Plaintiff,
and
C. D. E. F. and *G. H.*, Defendants.

The action coming on for trial [the day of and] this day, before in the presence of counsel for the plain-

tiff and the defendants [*or, if some of the defendants do not appear*, for the plaintiff and the defendant *C. D.*, no one appearing for the defendants *E. F.* and *G. H.*, although they were duly served with notice of trial as by the affidavit of filed the day of appears,] upon hearing read the pleadings and what was alleged by counsel on both sides, This court doth declare, &c.

And this Court doth order and adjudge, &c.

---

5. *Judgment after Trial by a Jury.*

[Title, &c.]

15th November, 18 .

The action having on the 12th and 13th November, 18 , been tried before the Honourable Mr. Justice and a special jury of the county of , and the jury having found [*state findings as in officer's certificate*], and the said Mr. Justice having ordered that judgment be entered for the plaintiff for $ and costs of suit [*or as the case may be*]: Therefore it is adjudged that the plaintiff recover against the defendant $ and $ for his costs of suit [*or* that the plaintiff recover nothing against the defendant, and that the defendant recover against the plaintiff $ for his costs of defence, *or as the case may be.*

---

6. *Judgment after Trial before Referee.*

[Title, &c.]

30th November, 18 .

The action having on the 27th November, 18 , been tried before *X. Y.*, Esq., an official [*or* special] referee; and the said *X. Y.*, having found [*state substance of referee's certificate*], it is this day adjudged that

---

7. *Judgment upon Motion for Judgment.*

[Title, &c.]

30th November, 18 .

This day before Mr. *X.* of counsel for the plaintiff [*or as the case may be*], moved on behalf of the said [*state judgment moved for*], and the said Mr. *X.* having been heard of counsel for and Mr. *Y.* of counsel for the Court adjudged

APPENDIX (E.)

(*See* Imp. Act of 1875, Appendix E.)

FORMS OF PRECIPE.

1. *Fieri Facias.*

[18 .

In the High Court of Justice.
——— Division.

Between *A. B.*, Plaintiff,
and
C. D. and others, Defendants.

Seal a writ of fieri facias directed to the sheriff of to levy against *C. D.* the sum of $ and interest thereon at the rate of $ per centum per annum from the day of [and $ costs] to
Judgment [*or* order] dated day of
Taxing master's certificate, dated day of .
X. Y. solicitor for [*party on whose behalf writ is to issue.*]

---

2. *Venditioni Exponas.*
(Imp. Act No. 3.)

[18 .]

In the High Court of Justice.
——— Division.

Between *A. B.*, Plaintiff,
and
C. D. and others, Defendants.

Seal a writ of venditioni exponas directed to the sheriff of
to sell the goods and of *C. D.*, taken under a writ of fieri facias in this action tested day of
X. Y., Solicitor for

---

3. *Writ of Sequestration.*
(Imp. Act No. 6.)

[187 .]

In the High Court of Justice.
——— Division.

Between *A. B.*, Plaintiff,
and
C. D. and others, Defendants.

Seal a writ of sequestration against *C. D.* for not at the suit of *A. B.* directed to the Sheriff of
Order dated day of .

---

4. *Writ of Possession.* (*Lands.*)
(Imp. Act No. 7.)

[18 .]

In the High Court of Justice.
——— Division.

Between *A.* B., Plaintiff,
and
C. D. and others, Defendants.

Seal a writ of possession directed to the sheriff of to deliver possession to *A. B.* of .
Judgment dated day of .

5. Writ of Delivery. (*Chattels.*)
(Imp. Act No. 8.)

[18

In the High Court of Justice,
——— Division.

Between *A. B.*, Plaintiff,
and
C. D. and others, Defendants.

Seal a writ of delivery directed to the Sheriff of to make delivery to *A. B.* of .

6. Writ of Attachment.
(Imp. Act No. 9.)

[18 .

In the High Court of Justice,
——— Division.

Between *A. B.*, Plaintiff,
and
C. D. and others, Defendants.

Seal in pursuance of order dated day of an attachment directed to the sheriff of against *C. D.* fo not delivering to *A. B.*

APPENDIX (F.)

(*See* Imp. Act of 1875, Appendix F.)

FORMS OF WRITS.

1. Writ of Fieri Facias.

[18 .]

In the High Court of Justice,
——— Division.

Between *A. B.*, Plaintiff,
and
C. D. and others, Defendants.

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

To the sheriff of greeting.

We command you that of the goods and chattels *(or lands and tenements)* of *C. D.* in your bailiwick you cause to be made the sum of $ and also interest thereon from the day of * which said sum of money and interest were lately before us in our High Court of Justice in a certain action [*or* certain actions, *as the case may be*] wherein *A. B.* is plaintiff, and *C. D.* and others are defendants [*or* in a certain matter there depending intituled "In the matter of *E. F.*," *as the case may be*] by a judgment [*or* order *as the case may be*] of our said Court, bearing date the day of adjudged [*or* ordered, *as the case may be*] to be paid by the said *C. D.* to *A. B.*, together with certain costs in the said judgment *or* order *as the case may be*] mentioned, and which costs have been taxed and allowed (by one of the taxing masters of our said Court) at the sum of $ as appears by the certificate of the said taxing master, dated

* Day of the judgment or order, or day on which money directed to be paid, or day from which interest is directed by the order to run, as the case may be.

the day . And that of the goods and chattels or *lands and tenements* of the said *C. D.* in your bailiwick you further cause to be made the said sum of $ [costs], together with interest thereon from the day of , and that you have that money and interest before us in our said Court immediately after the execution hereof (or, in the case of lands and tenements, *immediately after the expiration of [one year from the date of your receipt hereof]* to be paid to the said *A. B.* in pursuance of the said judgment [or order, as *the case may be*]. And in what manner you shall have executed this our writ make appear to us in our said Court immediately after the execution thereof. And have there then this writ.

Witness, etc.

---

2. *Writ of Possibari Expenses.*

[18 .

In the High Court of Justice,
—— Division.

Between *A. B.*, Plaintiff,
and
C. D. and others, Defendants.

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith.

To the sheriff of greeting.

Whereas by our writ we lately commanded you that of the goods and chattels (making the necessary variations of this form throughout in the case of lands and tenements) of *C. D.* [*here recite the fieri facias to the end*]. And on the day of you returned to us in the Division of our High Court of Justice aforesaid, that by virtue of the said writ to you directed you had taken goods and chattels of the said *C. D.* to the value of the money and interest aforesaid, which said goods and chattels remained in your hands unsold for want of buyers. Therefore, we being desirous that the said *A. B.* should be satisfied his money and interest aforesaid, command you that you expose to sale and sell, or cause to be sold, the goods and chattels of the said *C. D.*, by you in form aforesaid taken, and every part thereof, for the best price that can be gotten for the same, and have the money arising from such sale before us in our said Court of Justice immediately after the execution thereof, to be paid to the said *A. B.* And have there and then this writ.

Witness ourselves at Toronto, the day of in the year of our reign.

---

3. *Writ of Possession.*

[18 .

In the High Court of Justice,
—— Division.

Between *A. B.*, Plaintiff.
and
C. D. and others, Defendants.

Victoria, to the sheriff of , greeting

Whereas lately in our High Court of Justice, by a judgment of the Division of the same Court [*A. B.* recovered] *or* [*E. F.* was ordered to deliver to *A. B.*] possession of all that with the appurtenances in your bailiwick: Therefore, we command you that you that you omit not by reason of any liberty of your county, but that you enter the same, and without delay you cause the said *A. B.* to have possession of the said land and premises with the appurtenances. And in what manner you have executed this our writ make appear to the Justices of the Division of the High Court of Justice immediately after the execution hereof, and have you there then this writ. Witness, etc.

---

† The date of the certificate of taxation. The writ *must* be so moulded as to follow the substance of the judgment or order.

4. Writ of Delivery.

[187 . B. No.

In the High Court of Justice,
——— Divison.

Between *A. B.*, Plaintiff,
and
C. D. and others, Defendants.

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, to the sheriff of greeting: We command you, that without delay you cause the following chattels, that is to say [*here enumerate the chattels recovered by the judgment for the return of which execution has been ordered to issue*], to be returned to *A. B.*, which the said *A. B.* lately in our recovered against *C. D.* [*or C. D.* was ordered to deliver to the said *A. B.*] in an action in the Division of our said Court.* And we further command you, that if the said chattels cannot be found in your bailiwick, you distrain the said *C. D.* by all his lands and chattels in your bailiwick, so that neither the said *C. D.* nor any one for him do lay hands on the same until the said *C. D.* render to the said *A. B.* the said chattels; and in what manner you shall have executed this our writ make appear to the Justices of the Division of our High Court of Justice, immediately after the execution hereof, and have you there then this writ. Witness, etc.

The Like, but instead of a Distress until the Chattel is returned, commanding the Sheriff to levy on Defendants goods the assessed Value of it.

[*Proceed as in the preceding form until the*, and then thus:*]

And we further command you that if the said chattels cannot be found in your bailiwick, of the goods and chattels of the said *C. D.* in your bailiwick you cause to be made *l.* [*the assessed value of the chattels,*] and in what manner you shall have executed this our writ make appear to the Judges of the Division of our High Court of Justice at Toronto, immediately after the execution hereof, and have you there then this writ. Witness, etc.

---

5. Writ of Attachment.

[18 .

In the High Court of Justice,
——— Division.

Between *A. B.*, Plaintiff,
and
C. D. and others, Defendants.

Victoria, etc.,
To the sheriff of greeting:
We command you to attach *C. D.* so as to have him before us in the Division of our High Court of Justice wheresoever the said Court shall then be, there to answer to us, as well as touching a contempt which he it is alleged hath committed against us, as also such other matters as shall be then and there laid to his charge, and further to perform and abide such order as our said Court shall make in this behalf, and hereof fail not, and bring this writ with you. Witness, etc.

---

6. Writ of Sequestration.

[18 .

In the High Court of Justice,
——— Division.

Between *A. B.*, Plaintiff,
and
C. D. and others, Defendants.

Victoria, etc.
To the Sheriff of , greeting:
Whereas lately in the Division of our High Court of Justice in a certain action there depending, wherein *A. B.* is plaintiff and *C. D.* and others are defendants [*or*, in a certain matter there depending intituled

"In the matter of *E. F.*," *as the case may be*] by a judgment [*or* order *as the case may be*] of our said Court made in the said action [*or* matter], and bearing date the day of 18 , it was ordered that the said *C. D.* should [pay into Court to the credit of the said action the sum of $; *or, as the case may be*]. Know ye, therefore, that we have given, and by these presents do give to you full power and authority to enter upon all the lands, tenements and real estate whatsoever of the said *C. D.*, and to collect, receive and sequester into your hands, not only all the rents and profits of his said lands, tenements and real estate, but also all his goods, chattels and personal estates whatsoever; and therefore we command you, that you do at certain proper and convenient days and hours, go to and enter upon all the lands, tenements and real estates of the said *C. D.*, and that you do collect, take and get into your hands not only the rents and profits of his said real estate, but also all his goods, chattels and personal estate, and detain and keep the same under sequestration in your hands until the said *C. D.* shall [*as the case may be,*] clear his contempt, and our said Court make other order to the contrary. Witness, etc.

7. Warrant.

Province of Ontario. }
County of }

Between *A. B.*, Plaintiff,
and
C. D., Defendant.

To E. F.

Whereas proof has been made before me that *H. N.* was duly subpœnaed to give evidence on behalf of the plaintiff (or *as the case may be*), in the above cause at the sittings of the Court of Assize (or *as the case may be*), at Toronto (or *as the case may be*), which commenced on the day of A.D 18 ; that the presence of the said *H. N.* is material to the ends of Justice ; and that the said *H. N.* has failed to attend in accordance with the requirements of the subpœna.

These are therefore to command you to take the said *H. N.*, and to bring and have him before me at the said sittings, or before such other Judge as may be presiding thereat, there to testify what he may know concerning the matters in question in the said cause, and that you detain him in your custody until he shall have given his evidence, or until the said sittings shall have ended, or until other order be made by the Court concerning him.

Given under my hand, this day of
A.D. 18 , at

J. M., J.

SECOND SCHEDULE.

Session and Chapter.	Title.	Extent of Repeal.
5 & 6 W. IV., c. 62. (Imperial Act.)	An Act to repeal an Act of the present Session of Parliament, intituled "An Act for the more effectual abolition of Oaths and Affirmations taken and made in various Departments of the State, &c."	Sections fifteen and seventeen (see Imperial Act 22 & 23 Vic., c. 12, s. 2.)

No. 65.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act for consolidating the Superior Courts of Law and Equity; establishing a uniform system of pleading and practice therein; and making further provision for the Administration of Justice.

1st Reading, 14th January, 1880.

The Attorney-General.

TORONTO:
Printed by C. Blackett Robinson.

No. 64.] BILL. [1880.

An Act for the relief of Co-operative Associations.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Limit of each members shares.

1. Notwithstanding anything contained in the Revised Statute respecting Co-operative Associations, a member of any association incorporated under the said Act may have shares therein to an amount mentioned in any by-law of the Association, provided the same does not exceed one thousand dollars.

Power to purchase and mortgage land.

2. Notwithstanding as aforesaid, a co-operative association may purchase on credit real estate for the purpose of occupation by the association in carrying on the business thereof, and may give a valid mortgage on any estate so purchased for an unpaid balance of the purchase money, subject to any by-law in that behalf.

No. 64.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act for the relief of Co-operative Associations.

First Reading, 14th January, 1880.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 65.] **BILL.** [1880.

An Act respecting Coroners' Inquests.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Fees for post mortem examinations not allowed to coroners and medical practitioners in certain cases.

1. No fees for making a post mortem examination of the body of the deceased shall be allowed to any coroner, or to any medical witness who is a coroner, or to any medical practitioner who is a coroner, unless the coroner holding the inquest shall prior to the issuing of his warrant for summoning the jury have made a declaration in writing under oath (which oath may be administered by any justice of the peace or commissioner for taking affidavits in the Superior Courts, and shall be returned and filed with the inquisition), stating that from information received by such coroner, he is of opinion that there is reason for believing that the deceased came to his death by other means than through mere accident or mischance.

When preceding section not to apply.

2. The preceding section shall not apply to any inquest held upon the written request of the county attorney; or to any inquest held in the Districts of Muskoka, Parry Sound, Thunder Bay and Nipissing, upon the written request of a stipendiary magistrate; or to any inquest held under the third section of the Revised Statute respecting Coroners, or under other similar provisions.

Post mortem examination during inquest.

3. No coroner shall direct a post mortem examination of any body upon which an inquest is being held, except upon the requisition of the majority of the jury, unless the coroner shall have made a declaration in writing under oath (to be administered as aforesaid, and returned and filed with the inquisition) that in his opinion the holding of a post mortem examination of such body is necessary in order to ascertain whether or not the deceased came to his death from violence or unfair means.

County attorney to certify as to necessity for inquest.

4. It shall be the duty of the county attorney in each county upon the receipt by him of the depositions taken upon a coroner's inquest to certify whether or not there was in his opinion sufficient ground for holding such inquest, and in case he shall certify that there was not in his opinion sufficient ground for holding such inquest, no fees in respect thereof shall be allowed to the coroner unless the Attorney-General shall after inquiry recommend the allowance thereof.

Payment for burials by cities, etc.

5. Any human body found within the limits of a city, town, incorporated village or township, shall be buried at the expense of the corporation of such city, town, village or township, but such corporation may recover such expense from the estate of the deceased.

No. 65.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting Coroners' Inquests.

1st Reading, 14th January, 1880.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET.

No. 65.] **BILL.** [1880.

An Act respecting Coroners' Inquests.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Fees for post mortem examinations not allowed to coroners and medical practitioners in certain cases.

1. No fees shall be claimable by any coroner in respect of an inquest, unless, prior to the issuing of his warrant for summoning the jury, *he shall* have made a declaration in writing under oath (which oath may be administered by any justice of the peace or commissioner for taking affidavits in the Superior Courts, and shall be returned and filed with the inquisition), stating that from information received by such coroner, he is of opinion that there is reason for believing that the deceased did not come to his death from natural causes or from mere accident or mischance, but came to his death from violence or unfair means or culpable or negligent conduct of others, under circumstances requiring investigation by a coroner's inquest

When preceding section not to apply.

2. The preceding section shall not apply to any inquest held upon the written request of the county attorney; or to any inquest held in the Districts of Muskoka, Parry Sound, Thunder Bay and Nipissing, upon the written request of a stipendiary magistrate; or to any inquest held under the third section of the Revised Statute respecting Coroners, or under other similar provisions

Request for second medical witness to be attached to order for payment of fees.

3. The written request of the jury for a second medical witness referred to in section eight of chapter seventy-nine of the Revised Statutes of Ontario, shall be attached by the Coroner to the order given by him on the treasurer of the county for the payment of the fees of such second medical witness.

Payment for burials by cities, etc.

4. Subject to the provisions of the Revised Statutes of Ontario, chapter one hundred and forty-three, any unclaimed human body found dead within the limits of a city, town, incorporated village or township, shall be buried at the expense of the corporation of such city, town, village or township, but such corporation may recover such expense from the estate of the deceased.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting Coroners' Inquests.

(*Reprinted as Amended*).

First Reading, 14th January, 1880.
Second " 19th " 1880.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET.

No. 66.] BILL. [1880.

An Act to make further provision respecting Supplementary Drainage By-laws by Local Assessment

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Effect of publication.

1. Where any by-law which has been heretofore passed, or which may be hereafter passed, under the provisions of the second sub-section of section 532 of the Revised Statute respecting Municipal Institutions, has been or shall hereafter be published in the manner required by the 531st section of the said Act, sub-section one of said section 532 shall apply to such by-law; and where any by-law, passed under the said second sub-section, imposes an additional assessment, such by-law shall be so published, and the sub-sections numbered from eight to thirteen of section 529 of the said Revised Statute shall also apply to such by-law.

When by-law must be published.

R. S. O. c. 34 to apply to purchase of debentures.

2. The provisions of the Ontario Municipal Drainage Aid Act shall apply to any debentures issued under the authority of the said sub-section which have heretofore been or shall hereafter be purchased by direction of the Lieutenant-Governor in Council.

No. 66.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to make further provision respecting Supplementary Drainage By-laws by Local Assessment.

First Reading, 14th January, 1880.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET.

No. 66.] BILL. [1880.

An Act to make further provision respecting Supplementary Drainage By-laws by Local Assessment.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Effect of publication.

1. Where any by-law which has been heretofore passed, or which may be hereafter passed, under the provisions of the second sub-section of section five hundred and thirty-two of the Revised Statute respecting Municipal Institutions, has been or shall hereafter be published in the manner required by the five hundred and thirty-first section of the said Act, sub-section one of said section five hundred and thirty-two shall apply to such by-law; and any by-law, passed under the said second sub-section *need not be published unless the council sees fit so to do.*

R. S. O. c. 34 to apply to purchase of debentures.

2. The provisions of the Ontario Municipal Drainage Aid Act shall apply to any debentures issued under the authority of the said sub-section which have heretofore been, or shall hereafter be, purchased by direction of the Lieutenant-Governor in Council.

No. 66.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to make further provision respecting Supplementary Drainage By-laws by Local Assessment.

(*Reprinted as Amended*).

First Reading,	14th January,	1880.
Second "	22nd "	1880.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 67.] **BILL.** [1880.

An Act to provide for the Examination and Licensing of persons employed as Engineers elsewhere than on Steamboats.

Preamble.

WHEREAS, for the greater security of life and property it is expedient to provide for the examination and licensing of persons employed as engineers elsewhere than on steamboats:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpretation.

1. In this Act the term "Board of Inspectors" means the Board of Steamboat Inspection constituted by the Act passed in the thirty-first year of Her Majesty's reign, chapter sixty-five; the term "inspector" means a member of the said board; and the term "engineer" means any person having the care, management and control of any stationary steam engine used for the purpose of moving machinery of any kind.

Examination of applicants for certificate.

2. Any person claiming to be qualified to perform the duties of an engineer in connection with a stationary engine set up and used in any mill, manufactory or other place, for the moving of machinery of any description whatsoever, shall apply to the board of inspectors, who shall examine or shall cause an inspector or inspectors to examine and report upon the applicant and the proofs that he produces in support of his claim; and any such examination may be upon oath, which any inspector may administer; and if upon full consideration the board of inspectors are satisfied that his character, habits of life, knowledge and experience in the duties of an engineer are all such as to authorize the belief that the applicant is a suitable and safe person to be intrusted with the powers and duties of such a station, the said board of inspectors shall give him a license to that effect for one year, under the hand and seal of the chairman; and the said certificate, subject to the above conditions, shall be renewable yearly, or oftener if applied for; and for every such certificate the applicant shall pay the sum of *five dollars*, and for every renewal *one dollar*, which shall go to the Steamboat Inspection Fund, established by the thirty-second section of the Act hereinbefore cited.

Certificate by board of Inspectors: conditions and fee.

Revocation in certain cases.

(2) The license of any such engineer may be revoked by the said board upon proof of negligence, unskilfulness or drunkenness, or upon the finding of a coroner's inquest.

Temporary certificate by Inspector examining applicant.

3. Any inspector duly appointed under the said Act shall have power, with the consent of the chairman, to grant to any person claiming to be qualified to perform the duties of an

engineer in steamboats, a temporary certificate of his qualification, after examination of the applicant on oath administered by the inspector; and such certificate shall have all the force and effect of a license granted by the board of inspectors, for a period not exceeding sixty days from the day on which it was granted, and such inspector shall, immediately after granting such certificate, forward a copy of it to the chairman of the board of inspectors, together with a report on the qualification of the applicant; and for every such certificate so granted the applicant shall pay the sum of *one dollar*, which shall go to the Steamboat Inspection Fund hereinbefore mentioned.

Penalty for employing or acting without a license.

4. It shall not be lawful for any person to employ another as engineer, or for any person to serve as engineer, unless the person serving or employed as engineer is then licensed by the said board, or temporarily by an inspector as aforesaid, and any person so offending shall thereby incur a penalty of *two hundred dollars*.

Commencement of Act.

5. This Act shall come into force on the first day of one thousand eight hundred and

No. 67.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to provide for the examination and licensing of persons employed as Engineers elsewhere than on Steamboats.

1st Reading, 14th January, 1880.

Mr. Cook.

TORONTO:
Printed by C. Blackett Robinson.

No. 68.] BILL. [1880.

An Act to amend the General Railway Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Manner in which railway frogs to be protected.

1. It shall be the duty of every railway company to which "The Railway Act of Ontario" now applies, or may hereafter apply, to cause each and every railway frog upon their line of railway, to be filled up with wood to the level of the upper surface of the iron, upon the outside of the track, and from the point of convergence of the rails of the frog to a point upon the said frog where the divergence of the rails amounts to at least twelve inches; and every such railway company shall further cause to be placed at each crossing point where a frog is now placed beyond the point of crossing with reference to the switch entailing the crossing, an additional frog on the side next to such switch in such way that the apex of one frog may be directed towards the apex of the other, sufficient space only being left in each case for the passage of the flange of the wheel; and such additional frogs shall be filled up with wood in the manner hereinbefore specified.

Manner of constructing switches.

2. Every such railway company shall cause the several rails connected together for the purpose of forming a switch on their line of railway to be placed at a distance of not less than six inches from each other in such way that there shall be a clear space of at least six inches between rail and rail.

Penalty.

3. Any railway company which shall for the space of three months after the coming into force of this Act, fail to comply with the provisions hereof shall be liable to a penalty of dollars and to a further penalty of dollars for each day during which such neglect shall continue; and such penalty may be recovered by any person suing for the same, and one half thereof shall belong to the prosecutor and the other half to Her Majesty for the public uses of this Province.

Time Act to come into force.

4. This Act shall come into force on the day of 188 .

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the Railway Act.

1st Reading, 14th January, 1880.

Mr. Cook.

TORONTO:
Printed by C. Blackett Robinson.

No. 69.] BILL. [1880.

An Act to amend the Liquor License Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section thirty-four of chapter one hundred and eighty-one of the Revised Statutes is hereby amended by adding the following, as sub-section four: Sec. 34 of R. S. O., c. 181, amended.

(4) The license commissioners shall, on, or immediately after, the thirtieth day of June in each year, make out and have printed a statement in detail of the receipts and expenditures on account of the license fund, duly certified as correct by the chairman, and shall forward to each municipal clerk within the license district twenty copies for distribution amongst the members of council and officers of the municipality; and shall also, at all times, furnish reasonable opportunity for members of municipal councils and municipal officers within their license district to ascertain the receipts and disbursements on account of the said license fund. Annual statement.

No. 69.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the Liquor License Act.

First Reading, 15th January, 1880.

Mr. CREIGHTON.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 70.] BILL. [1880.

An Act to enable the officers of the Public Service to provide retiring allowances.

Preamble.

WHEREAS for better ensuring efficiency and economy in the Public Service of Ontario, it is expedient to provide means for the retirement therefrom of persons who from age or infirmity cannot properly perform the duties assigned to them;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Abatement from salaries.

1. An abatement shall be made from the salary of each person in the employment of the Government of the Province, to whom this Act shall apply, to the extent of two thousand dollars of such salary, at the rate of two and one-half per cent. per annum thereon if it be more than six hundred dollars per annum; and of one and one-half per cent. per annum thereon, if it be six hundred dollars or less, and the sum so deducted shall form part of the Consolidated Revenue Fund, but such abatement shall not be made for more than twenty-five years of service in the case of any one person. A separate account shall be kept in respect of the moneys deducted from such salaries as aforesaid, and the superannuation allowance hereafter mentioned shall be paid from the moneys arising from the abatement from the salaries aforesaid.

Conditions and rates of superannuation allowances.

2. The Lieutenant-Governor in Council may grant to any person to whom this Act applies, having served in an established capacity in the Public Service of Ontario, or as an employé of the Government for ten years or upwards, and having attained the age of sixty years or being incapacitated by bodily infirmity from properly performing his duties, a superannuation allowance calculated on his average yearly salary not exceeding two thousand dollars per annum during the then last three years, and not exceeding the following rates, that is to say: if he has served for ten years, but less than eleven years, an annual allowance of ten-fiftieths of such average salary, and if for eleven years and under twelve years, an annual allowance of eleven-fiftieths thereof, and in like manner a further addition of one-fiftieth of such average salary for each additional year of service, up to twenty-five years, when an annual allowance of twenty-five-fiftieths may be granted, but no addition shall be made for any service beyond twenty-five years. If the service has not been continuous, the period or periods during which such service has been interrupted shall not be counted; and the Order in Council made in such case shall be laid before the Legislature at its then or then next session.

Persons entering the service after the usual time as having peculiar or professional qualifications.

3. The Lieutenant-Governor in Council may, in the case of any person who entered the Civil Service after the age of thirty years, as being possessed of some peculiar professional or other qualifications or attainments required for the office to which he was appointed, and not ordinarily to be acquired in the Public Service, add to the actual number of years' service of such person, such further number, not exceeding ten, as may be considered equitable, for reasons stated in the Order in Council made in the case; and such additional number of years shall be taken as part of the term of service on which the superannuation allowance of such person shall be computed, the Order in Council in any such case being laid before the Legislature, at its then or then next session.

Diminution of allowance to persons who have not paid the abatement during less than ten years.

Exception.

4. The full superannuation allowance aforesaid shall only be granted to persons who have been subject to the said abatement during ten years or upwards; the superannuation allowance of any person who has not paid it, or has paid it for a less period, being subject to a diminution of *one per cent.* for every year less than ten during which he has not paid it, except that, in the case of any person retiring within three years after the passing of this Act, such diminution shall not exceed twenty per cent. of the allowance which might otherwise be granted to him, with power to the Lieutenant-Governor in Council to reduce it to any amount not less than ten per cent., and except also, that the superannuation allowance of any person hereafter retiring, shall not be subject to any such diminution by reason of his not having paid the abatement hereinbefore mentioned, during any year or years after his first twenty-five years of service. But this section shall not apply to any person whose period of service has exceeded twenty years at the time of the passing of this Act.

Proviso.

Effect of offer of allowance. Conditions on which granted, etc. Right of removal reserved.

5. Retirement shall be compulsory on any person to whom the superannuation allowance hereinbefore mentioned shall be offered, and such offer shall not be considered as implying any censure upon the person to whom it is made; nor shall any person be considered as having any absolute right to such allowance, but it shall be granted only in consideration of good and faithful service, during the time upon which it is calculated, and nothing herein contained shall be understood as impairing or affecting the right of the Lieutenant-Governor to dismiss or remove any person from the Public Service, or from the employment of the Government.

Gratuity to persons leaving the service before they can have a retiring allowance.

6. If any person to whom the foregoing enactments apply, is constrained from any infirmity of mind or body to quit the Public Service before the period at which a superannuation allowance might be granted him, the Lieutenant-Governor in Council may allow him a gratuity not exceeding one month's pay for each year of his service; and if any such person is so constrained to quit the service before such period, by reason of severe bodily injury received without his own fault in the discharge of his public duty, the Lieutenant-Governor in Council may allow him a gratuity not exceeding three months' pay for every two years' service, or a superannuation allowance not exceeding one-fifth of his average salary during the then last three years; and if the head of a Department reports with respect to any person employed in his Department, and about to be super-

annuated, from any cause other than that of ill health or age, that the service of such person has not been satisfactory, the Lieutenant-Governor in Council may grant such person a superannuation allowance being less than that to which he would have otherwise been entitled, as to him may seem fit.

Provision for persons removed by reason of abolition of office, etc.

7. If any person to whom the foregoing enactments apply, is removed from office in consequence of the abolition thereof, in order to the improvement of the organization of the Department to which he belongs, or otherwise to promote efficiency or economy in the Public Service, the Lieutenant-Governor in Council may grant him such gratuity or superannuation allowance as will fairly compensate him for his loss of office, not exceeding such as he would have been entitled to if he had retired in consequence of permanent infirmity of body or mind, after adding ten years to his actual term of service.

Persons under 60, and receiving allowance, may be called upon to serve again.

8. Any person receiving a superannuation allowance, and being under the age of sixty years, and not disabled by bodily or mental infirmity, shall be liable to be called upon to fill, in any part of Ontario, any public office or situation for which his previous services render him eligible, and not lower in rank or emolument than that from which he retired; and, if he refuse or neglect so to do, he shall forfeit his said allowance.

To whom this act shall apply

9. The foregoing enactments shall apply to all persons to whom the Ontario Public Service Act of 1878 applies, and to all other officers, clerks and persons who have served in an established capacity in the employment of the Government, and as well to persons employed at the seat of Government as in the outside service of the Government, and who, for the purposes of this Act, shall be held to be in the Public Service of Ontario; saving always all legal rights and privileges of the Legislative Assembly, as respects the appointment or removal of its officers and servants, or any of them; and service in an established capacity in any of the public departments of the Government of Canada, before the coming in force of the British North America Act, 1867, by any person who has thereafter entered the service of the Province, shall be reckoned in computing his period of service for the purpose of this Act; and, in any case of doubt, the Lieutenant-Governor in Council may, by general or special regulation, determine to what persons the provisions of this Act do or do not apply, and the conditions on which, and the manner in which, they shall apply in any case or class of cases.

Power of Lieutenant-Governor in Council in that behalf.

Exemption from operation of Act.

10. The Lieutenant-Governor in Council may, for special reasons, upon the written application of any officer, clerk or servant, exempt him from the operation of this Act; but the application for such exemption shall disclaim all right to any benefit under this Act, or to a retiring allowance, and shall undertake not to apply therefor, and in case of such exemption the person so exempted shall not be entitled to or be paid a retiring allowance of any kind whatever.

Yearly return to the Legislature.

11. A statement of all allowances and gratuities granted under this Act, and of all moneys paid for the same, shall be laid before the Legislature within the first fifteen days of the Session thereof next after such grant or payment.

Limit of abatement.

12. Nothing in this Act contained shall authorize an abatement on the excess of any salary over two thousand dollars, and no allowance shall be calculated or made by virtue of or under this Act on the excess of any salary over two thousand dollars.

No. 70.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to enable the officers of the Public Service to provide retiring allowances.

1st Reading, 16th February, 1880.

Mr. HARDY.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 71.] BILL. [1880.

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section four hundred and eighty-three of chapter one hundred and seventy-four of the Revised Statutes of Ontario is hereby amended by inserting the words "or incorporated village" after the word "township" in the first line of the said section. Sec 463 of R. S. O., c. 174, amended.

No. 71.

1st Session, 4th Parliament, 43 Vic., 1880.

BILL.

An Act to amend the Municipal Act.

1st Reading, 15th January, 1880.

Mr. BADGEROW.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 72.] BILL. [1880.

An Act to amend the Municipal Act.

Preamble.

WHEREAS by-laws have been passed in various municipalities in accordance with the provisions of chapter one hundred and seventy-four of the Revised Statutes, in ignorance of the amendments made thereto by the Act passed in the forty-second year of Her Majesty's reign, chaptered thirty-one, and it is expedient to make such by-laws valid:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws made valid.

1. Any by-law heretofore passed in accordance with the provisions of sections three hundred and thirty, three hundred and thirty-one and three hundred and thirty-two of chapter one hundred and seventy-four of the Revised Statutes, and any debentures issued thereunder, shall be valid and effectual notwithstanding any thing contained in the Act to amend the Municipal Law passed in the forty-second year of the reign of Her Majesty, and chaptered thirty-one.

No 72.

1st Session, 4th Parliament, 43 Vic., 1880.

BILL.

An Act to amend the Municipal Act.

First Reading, 15th January, 1880.

Mr. Ross.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 72.] BILL. [1880.

An Act to make valid certain Municipal By-laws.

Preamble.

WHEREAS by-laws have been passed in various municipalities in accordance with the provisions of chapter one hundred and seventy-four of the Revised Statutes, in ignorance of the amendments made thereto by the Act passed in the forty-second year of Her Majesty's reign, chaptered thirty-one, and it is expedient to make such by-laws valid:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws made valid.

1. Any by-law heretofore duly passed in accordance with the provisions of sections three hundred and thirty, three hundred and thirty-one and three hundred and thirty-two of chapter one hundred and seventy-four of the Revised Statutes, and any debentures issued thereunder, shall be as valid and effectual as if the by-law had been passed in accordance with the provisions contained in the "Act to amend the Municipal Law" passed in the forty-second year of the reign of Her Majesty, and chaptered thirty-one.

Where new by-laws in place of invalid by-laws have been submitted to electors, original by-laws not to be revived hereby.

2. In any case where a by-law has been discovered to be invalid in consequence of following the provisions of the said sections three hundred and thirty, three hundred and thirty-one and three hundred thirty-two of the Municipal Act instead of the amendments made thereto by the Act passed in the forty-second year of the reign of Her Majesty and chaptered thirty-one, and a new by-law for the same purpose or purposes has by the same municipality been submitted in lieu thereof to a vote of the electors, nothing in this Act shall have the effect of reviving or making valid the original by-law whether the same has been legally repealed or not.

Act not to apply to repealed by-laws or to pending proceedings.

☞3. This Act shall not apply to any by-law which has been repealed or to any by-law in respect to which any proceeding is now pending or has been commenced prior to the twentieth day of February, one thousand eight hundred and eighty, in any court questioning the validity of such by-law.☜

No. 72.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to make valid certain Municipal By-laws.

(Reprinted as Amended.)

1st Reading, 15th January, 1880.
2nd " 23rd " 1880.

Mr. Ross.

TORONTO:
PRINTED BY C. B. ROBINSON JORDAN STREET.

No. 72.] **BILL.** [1880.

An Act to make valid certain Municipal By-laws.

Preamble.

WHEREAS by-laws have been passed in various municipalities in accordance with the provisions of chapter one hundred and seventy-four of the Revised Statutes, in ignorance of the amendments made thereto by the Act passed in the forty-second year of Her Majesty's reign, chaptered thirty-one, and it is expedient to make such by-laws valid:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws made valid.

1. Any by-law heretofore duly passed in accordance with the provisions of sections three hundred and thirty, three hundred and thirty-one and three hundred and thirty-two of chapter one hundred and seventy-four of the Revised Statutes, and any debentures issued thereunder, shall be as valid and effectual as if the by-law had been passed in accordance with the provisions contained in the Act to amend the Municipal Law passed in the forty-second year of the reign of Her Majesty, and chaptered thirty-one.

Where new by-laws in place of invalid by-laws have been submitted to electors, original by-laws not to be revived hereby.

2. In any case where a by-law has been discovered to be invalid in consequence of following the provisions of the said sections three hundred and thirty, three hundred and thirty-one and three hundred thirty-two of the Municipal Act instead of the amendments made thereto by the Act passed in the forty-second year of the reign of Her present Majesty and chaptered thirty-one, and a new by-law for the same purpose or purposes has by the same municipality been submitted in lieu thereof to a vote of the electors, nothing in this Act shall have the effect of reviving or making valid the original by-law whether the same has been legally repealed or not.

Act not to apply to pending proceedings.

☞3. This Act shall not apply to any by-law, in respect to which any proceeding is now pending or has been commenced prior to the twentieth day of February, one thousand eight hundred and eighty, in any court questioning the validity of such by-law.☜

No. 72.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to make valid certain Municipal By-laws.

(Reprinted as Amended.)

1st Reading, 15th January, 1880.
2nd " 23rd " 1880.

Mr. Ross.

TORONTO:
PRINTED BY C. B. ROBINSON JORDAN STREET.

No. 73.] BILL. [1880.

An Act to amend the Division Courts Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Sec. 26 of R. S. O., c. 47, repealed and new section substituted.

1. Section twenty-six of chapter forty-seven of the Revised Statutes of Ontario, is hereby repealed, and the following is substituted therefor:—

26. The Lieutenant-Governor in Council shall from time to time appoint, and may at pleasure remove, any clerk or bailiff.

Sub-s. 2 of sec. 47, R.S.O. c. 47, repealed, and new sub-section substituted.

2. Sub-section two of the forty-seventh section of the said Act is hereby repealed, and the following is substituted therefor:—

(2) Until otherwise provided by such general rules or orders the fees to be taken and received by jurors and appraisers shall be as follows:—

Each juror sworn in any cause (out of the money deposited with the clerk for jurors' fees in first instance and allowed in costs of the cause) . . . . . Thirty-five cents

To each appraiser, during the time actually employed in appraising goods (to be paid in first instance by the plaintiff and allowed in costs of the cause) . . . . . Fifty cents per day.

Sec. 112 of R. S. O., c. 47, repealed, and new section substituted.

3. The one hundred and twelfth section of the said Act is hereby repealed, and the following is substituted therefor:—

112. The jurors to be summoned to serve at any division court shall be taken from the collectors' rolls of the preceding year, for the townships and places wholly or partly within the division, and shall be summoned in rotation, beginning with the first of such persons on such roll; and if there be more than one such township or place within the division, beginning with the roll for that within which the court is held, and then proceeding to that one of the other rolls which contains the greatest number of such persons' names, and so on, until all the rolls have been gone through; but in the event of all the rolls not having been gone through at the expiration of any year, the clerk shall commence the following year by summoning such jurors from the new rolls, beginning with the name thereon next after the name of the last of such jurors summoned in the previous year; after the whole of the said rolls have been gone through they shall, if necessary, be again gone through wholly or partly in the same order, beginning with the first of such persons on the roll, and so on, *toties quoties*.

Sec. 114 of R. S. O., c. 47, repealed, and new section substituted.

4. Section one hundred and fourteen of the said Act is hereby repealed, and the following is substituted therefor:—

114. The clerk of each division court shall at each session of the court, at which one cause only has been required to be

tried by a jury, cause not less than ten, and at each session of the court at which more than one cause has been required to be so tried not less than fourteen, of the persons liable to serve as jurors to be summoned to attend thereat at the time and place to be mentioned in the summons; and such summons shall be served at least three days before the court, either personally, or by leaving the same with a grown up person at the residence of the juror.

Sec. 115 of R. S. O., c. 47, amended.

5. Section one hundred and fifteen of the said Act is hereby amended by adding thereto at the end thereof the following words: "Except as to his peremptory challenge which shall be limited to two in number."

Sec. 182 of R. S. O., c. 47, repealed.

6. Section one hundred and eighty-two of said Act, and the sub-sections thereto, are hereby repealed.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the Division Courts Act.

1st Reading, 15th January, 1880.

Mr. BADGEROW.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

No. 74.] BILL. [1880.

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section six of section four hundred and sixty-six of the Municipal Act is amended by striking out the words "and the fees to be paid therefor," contained in the said sub-section. R. S. O., c. 174, s. 466, sub-s. 6, amended.

2. This Act shall not take effect until the first day of January, in the year of our Lord one thousand eight hundred and eighty-one. Act to come into operation 1st Jan., 1881.

No. 74.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the Municipal Act.

1st Reading, 15th January, 1880.

Mr. HARCOURT.

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET.

No. 75.] BILL. [1880.

An Act to incorporate the Sarnia and Petrolia Railway Company.

Preamble.

WHEREAS James King, Joshua Adams, George Leys, Thomas Kenny, Timothy Gleeson, Charles Mackenzie, James Flintoft, A. C. Poussette, S. A. Macvicar, and Michael Sullivan, all of the town of Sarnia, in the county of Lambton, have by their petition prayed for an Act of incorporation, to construct a railway from some point in the town of Petrolia, through said town of Petrolia, the township of Enniskillen, and the township of Sarnia to some point within the corporate limits of the said town of Sarnia; and an extension from said terminus to the Grand Trunk Railway, within the village of Point Edward, all within the county of Lambton; and whereas it is expedient to grant the prayer of said petition;

Therefore Her Majesty, by and with the advice and consent of the Leglislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation

1. The said persons above mentioned, together with such other persons and corporations as shall in pursuance of this Act become shareholders in said company hereby incorporated, shall become and are hereby declared to be a body corporate and politic, by the name of the "Sarnia and Petrolia Railway Company."

R. S. O., c. 165, to apply.

2. The several clauses of the Railway Act of Ontario, and the clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors," "calls," "shares and their transfer," "shareholders," "municipalities taking stock," "by-laws, notices, etc." "working of the railway," "actions for indemnity, and fines, and penalties, and their prosecution," and "general provisions," shall be incorporated with and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except so far as they may be inconsistent with the enactments hereof; and the expression "this Act,' when used herein shall be understood to include the clauses of said Railway Act so incorporated with this Act as aforesaid.

Location of line.

3. The company hereby incorporated, and their agents or servants, shall have full power and authority under this Act to lay out, construct and finish an iron railway from some point at or near the town of Petrolia to some point within the limits of the town of Sarnia, and an extension therefrom to the Grand Trunk Railway at Point Edward.

Capital.

4. The capital of the company hereby incorporated shall be two hundred thousand dollars, with power to increase the same in the manner provided by the Railway Act, to be divided into eight thousand shares of twenty-five dollars each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place to the payment of all expenses for procuring the passing of this Act, and for making the surveys, plans, and estimates, connected with the works hereby authorized; and the remainder of such money shall be applied to the making, equipment, and working of the said railway and the purposes of this Act.

Provisional directors;

5. James King, Joshua Adams, George Leys, Thomas Kenny Timothy Gleeson, Charles Mackenzie, James Flintoft, A. C. Pousette, S. A. Macvicar, and Michael Sullivan, shall be and are hereby consituted a board of provisional directors of the said company, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Their powers

6. The said board of provisional directors shall have full power to open stock books and procure subscriptions for the undertaking; to make calls upon the subscribers; to cause surveys and plans to be executed; to enter into agreements for right of way, station grounds, terminal grounds, and gravel pits; to receive any grant, loan, bonus, or gift made to or in aid of the undertaking; and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway with all such other powers as under the railway Act are vested in ordinary directors; and to call a general meeting of the shareholders for the election of directors as hereinafter provided; and such provisional directors may appoint a committee from their number to open such stock books, giving at least three weeks notice in the *Ontario Gazette* and in one paper published in each of the towns of Petrolia and Sarnia, of the time and place of meeting to open such books and receive such subscriptions; and the said committee or a majority of them may in their discretion exclude any person from subscribing, who in their judgment would hinder, or delay, or embarrass the company in proceeding with their railway.

Election of directors.

7. As soon as shares to the amount of fifty thousand dollars of the capital stock of the company shall have been subscribed, and ten per centum shall have been paid into some bank in the said town of Sarnia, or so soon as such subscriptions, together with sums granted by municipalities, either by way of bonus or in the subscription to the capital stock, shall amount to such sum of fifty thousand dollars, and the debentures granted in payment of such bonus or subscription shall have been deposited in a bank in said town of Sarnia, the provisional directors or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least three weeks notice in a paper published in each of the towns of Sarnia and Petrolia and in the *Ontario Gazette*, of the time, place, and object of such meeting; and at such general meeting the shareholders present, either in person or by proxy, who shall at the opening of such meeting have paid ten per

centum on the stock subscribed by them, shall elect six persons to be directors of the said company in manner and qualified as hereinafter directed, which said directors, together with the *ex officio* directors under the Railway Act or this Act shall constitute a board of directors, and shall hold office until the first Monday in May, in the year following their election.

Application of moneys deposited.

8. The sums so paid shall not be withdrawn from the bank except for the purposes of this Act, nor shall the debentures so deposited be otherwise applied than to the purposes of the railway as defined in the by-law or agreement between the municipality or municipalities granting the same and the railway company in relation thereto.

Calls.

9. The directors for the time being may from time to time make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days notice shall be given of each call as provided in section seven.

Annual meeting.

10. Thereafter the general annual meeting of the shareholders of said company shall be held in the town of Sarnia, at such time and place as shall be appointed by by-law, and public notice thereof shall be given as provided in section seven.

Special meetings.

11. Special general meetings of the shareholders of said company may be held at the said town of Sarnia, at such times and in such manner, and for such purposes, as may be provided by the by-laws of said company, upon such notice being given as is provided in section seven.

Qualification of directors.

12. In the election of directors under this Act, no person shall be elected unless he shall be the holder and owner of at least ten shares of the stock of said company, upon which all calls have been paid up.

Aliens.

13. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares, equally with British subjects, and shall also be eligible to office as directors of said company.

Quorum.

14. At all meetings of the board of directors five directors shall form a quorum.

Aid to company.

15. The said company may receive from any government, or from any persons or bodies corporate, or municipal, who may have power to grant the same, aid towards the construction, equipment, and maintenance of the said railway, by way of gift, bonus, or loan of money, or debentures, or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Aid from municipalities.

16. It shall be lawful for any municipality which may be interested in securing the construction of the said railway, to aid and assist the said company by loaning, or guaranteeing, or giving money by way of bonus, or other means, to the company, or issuing municipal bonds to or in aid of the company, and

otherwise in such manner and to such extent as such municipality shall think expedient.

Municipal Act to apply.

17. The provisions of the municipal Act, so far as the same are not inconsistent with this Act, shall apply to any by-law passed by any municipality in aid of the construction of said railway.

Exemption from taxation.

18. It shall be lawful for the corporation of any municipality through any part of which the railway of said company passes or is situate, by by-law passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, for such term of years as to such municipal corporation may seem expedient.

Trustees for debentures.

19. Whenever any municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the county of Lambton, in said Province; Provided always that in case any of the trustees so appointed dies or leaves the said Province, with the intention of permanently remaining outside of said Province, then, and in such case or cases the Lieutenant-Governor in Council may, with the consent of said company, appoint another trustee, in lieu of the trustee so dying or leaving the Province.

Proviso.

Trusts of debentures.

20. The said trustees shall receive the said debentures or bonds in trust for the following purposes :—

Firstly. To sell and dispose of the same to the best advantage, said sale to be with the approval of the directors of said company;

Secondly. To deposit the same or the proceeds thereof, in the bank named by said directors;

Thirdly. To pay out the moneys so derived from such sale to the contractor or contractors according to the progress of the work, and on the conditions and terms specified by the by-laws of the said municipalities.

Certain municipalities to name directors.

21. Any municipality which shall grant a bonus of not less than twenty thousand dollars in aid of said company may stipulate that it shall be entitled to name a director in the said company, as the representative of such municipality.

Municipalities empowered to grant lands.

22. Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company any lands belonging to such municipality, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway, and the said railway company shall have power to accept gifts of land from any government or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Extension of time by municipalities.

23. It shall and may be lawful for the council of any municipality that may grant a bonus to the company, and they shall

have full power to extend the time for the completion of the works, on the completion of which the said company would be entitled to such bonus.

Issue of bonds.

24. The directors of the said company, after the sanction of the shareholders shall have been first obtained at a special general meeting to be called from time to time for such purpose, shall have power to issue bonds made and signed by the President of said company and countersigned by the secretary, and under the corporate seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall without registration or formal conveyance be taken and considered to be the first and preferential claims and charges upon the undertaking, and the real property of the company including its rolling stock and equipments then existing and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the said company, as aforesaid.

Commencement and completion.

25. The railway shall be commenced within two years and be completed within five years from the passing of this act.

Power to build a branch in the town of Sarnia.

26. The said company shall have full power and authority to build a branch of said railroad along the docks and wharves on the west side of Front street in said town of Sarnia, for the purpose of connecting the Great Western Railway Company's railroad with the railroad herein mentioned, so as to make a continuous railway route from the Great Western Railway along the west side of Front street, Sarnia, to the Grand Trunk Railway at Point Edward.

Agreements with other companies.

27. The company incorporated by this act may enter into any arrangement with any other railway company or companies, for the building and working of the said railway on such terms and conditions as the directors of the several companies may agree on, for leasing or hiring from such other company or companies any locomotives or other moveable property, and generally to make any agreement or agreements with any other company touching the use by one or the other or by both companies of the railways or rolling stock or either or both or any part thereof or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the terms and tenor thereof, provided that the assent of at least two thirds of the shareholders shall be first obtained at a general special meeting to be called for the purpose according to the by-laws of the company and provisions of this act, and the company or companies leasing or entering into the agreement for using the said line, may and are hereby authorized to work the said railway in the same manner and in all respects as if incorporated with their own line.

Proviso.

Power to mortgage bonds.

28. The said company hereby incorporated, may from time to time for advances of money to be made thereon, mortgage or pledge any bonds which they can under the powers of this act issue for the construction of the railway or otherwise.

Transfer of shares.

29. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Form of conveyance.

30. Conveyances of lands to the said company for the purpose of and powers given by this Act, made in the form set out in schedule "A" hereunder written, or the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate and interest, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Power to build warehouses, etc.

31. The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, work shops, and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Extension of time.

32. In case the conditions upon which any municipality grants aid to the said company be not fully complied with in the time specified, the said municipality, through its council, may grant further time to the company for the fulfilment of its obligations as by the said council may be thought advisable

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SCHEDULE A.

(Section 30.)

Know all men by these presents that I (*or* we) [*insert the name of the vendor*] in consideration of dollars paid to me (*or* us) by the Sarnia and Petrolia Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (*or* we) [*insert the name of any other party*] in consideration of dollars paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant or release all that certain parcel (*or* those certain parcels) of land situated [*describe the lands*], the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said Sarnia and Petrolia Railway Company, their successors and assigns.

And I (*or* we) the wife (*or* wives) of the said do hereby bar dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of one thousand eight hundred and

Signed, sealed and delivered in presence of

[L.S.]

No. 75.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to incorporate the Sarnia and Petrolia Railway Company.

1st Reading, , 1880.

(PRIVATE BILL.)

Mr. PARDEE.

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET.

No. 75.] BILL. [1880.

An Act to incorporate the Sarnia and Petrolia Railway Company.

Preamble.

WHEREAS James King, Joshua Adams, George Leys, Thomas Kenny, Timothy Gleeson, Charles Mackenzie, James Flintoft, A. C. Poussette, S. A. Macvicar, and Michael Sullivan, all of the town of Sarnia, in the county of Lambton, have by their petition prayed for an Act of incorporation, to construct a railway from some point in the town of Petrolia, through the township of Enniskillen, and the township of Sarnia to some point within the corporate limits of the said town of Sarnia; and *from thence* to the Grand Trunk Railway, within the village of Point Edward, all within the county of Lambton; and whereas it is expedient to grant the prayer of said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enact as follows:—

Incorporation

1. The said persons above mentioned, together with such other persons and corporations as shall in pursuance of this Act become shareholders in said company hereby incorporated, shall become and are hereby declared to be a body corporate and politic, by the name of the "Sarnia and Petrolia Railway Company."

Location of line.

2. The company hereby incorporated, and their agents or servants, shall have full power and authority under this Act to lay out, construct and finish an iron railway from some point at or near the town of Petrolia to some point within the limits of the town of Sarnia, and therefrom to the Grand Trunk Railway at Point Edward.

Capital.

3. The capital of the company hereby incorporated shall be two hundred thousand dollars, with power to increase the same in the manner provided by the Railway Act, to be divided into eight thousand shares of twenty-five dollars each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place to the payment of all expenses for procuring the passing of this Act, and for making the surveys, plans, and estimates, connected with the works hereby authorized; and the remainder of such money shall be applied to the making, equipment, and working of the said railway and the purposes of this Act.

Provisional directors;

4. James King, Joshua Adams, George Leys, Thomas Kenny, Timothy Gleeson, Charles Mackenzie, James Flintoft, A. C.

Pousette, S. A. Macvicar, and Michael Sullivan, shall be and are hereby consituted a board of provisional directors of the said company, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Their powers.

5. The said board of provisional directors shall have full power to open stock books and procure subscriptions for the undertaking; to make calls upon the subscribers; to cause surveys and plans to be executed; to enter into agreements for right of way, station grounds, terminal grounds, and gravel pits; to receive any grant, loan, bonus, or gift made to or in aid of the undertaking; and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway with all such other powers as under the railway Act are vested in ordinary directors; and to call a general meeting of the shareholders for the election of directors as hereinafter provided; and such provisional directors may appoint a committee from their number to open such stock books, giving at least three weeks notice in the *Ontario Gazette* and in one paper published in each of the towns of Petrolia and Sarnia, of the time and place of meeting to open such books and receive such subscriptions; and the said committee or a majority of them may in their discretion exclude any person from subscribing, who in their judgment would hinder, or delay, or embarrass the company in proceeding with their railway.

First meeting for the election of directors.

6. When and as soon as shares to the amount of twenty thousand dollars, in the capital stock of the company shall have been subscribed, and ten per centum shall have been paid into one of the chartered banks of the Dominion, the provisional directors, or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least three weeks' notice in two newspapers, one published in the town of Sarnia, and one in the town of Petrolia, and in the *Ontario Gazette*, of the time, place, and object of such meeting; and at such general meeting the shareholders present, either in person or by proxy, and who shall before or at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect six persons to be directors of the said company in manner, and qualified as hereinafter mentioned, who, together with *ex-officio* directors under the Railway Act or this Act, shall constitute a board of directors, and shall hold office until the first Monday in May, in the year following their election.

Application of moneys deposited.

7. The sums so paid shall not be withdrawn from the bank except for the purposes of this Act.

Calls.

8. The directors for the time being may from time to time make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days notice shall be given of each call as provided in section *six*.

Annual meeting.

9. Thereafter the general annual meeting of the shareholders of said company shall be held in the town of Sarnia, at such time and place as shall be appointed by by-law, and

public notice thereof shall be given as provided in section *six*.

Special meetings.

10. Special general meetings of the shareholders of said company may be held at the said town of Sarnia, at such times and in such manner, and for such purposes, as may be provided by the by-laws of said company, upon such notice being given as is provided in section *six*.

Qualification of directors.

11. In the election of directors under this Act, no person shall be elected unless he shall be the holder and owner of at least ten shares of the stock of said company, upon which all calls have been paid up.

Aliens.

12. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares, equally with British subjects, and shall also be eligible to office as directors of said company.

Quorum.

13. At all meetings of the board of directors five directors shall form a quorum.

Aid to company.

14. The said company may receive from any government, or from any persons or bodies corporate, or municipal, who may have power to grant the same, aid towards the construction, equipment, and maintenance of the said railway, by way of gift, bonus, or loan of money, or debentures, or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Aid from municipalities.

15. It shall be lawful for any municipality which may be interested in securing the construction of the said railway, to aid and assist the said company by loaning, or guaranteeing, or giving money by way of bonus, or other means, to the company, or issuing municipal bonds to or in aid of the company, and otherwise in such manner and to such extent as such municipality shall think expedient.

Municipal Act to apply.

16. The provisions of the municipal Act, so far as the same are not inconsistent with this Act, shall apply to any by-law passed by any municipality in aid of the construction of said railway.

Exemption from taxation.

17. It shall be lawful for the corporation of any municipality through any part of which the railway of said company passes or is situate, by by-law passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, for such term of years as to such municipal corporation may seem expedient.

Trustees for debentures.

☞**18**. Whenever any municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after passing of the by-law authorizing the same be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be resi-

Proviso.

dents of the Province of Ontario: Provided, that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council; and in case any trustee dies or resigns his trust, or goes to live out of Ontario or otherwise becomes incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of debentures.

19. The said trustees shall receive the said debentures or bonds in trust: Firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto, as to time or manner, to convert the same into money, or otherwise dispose of them: Secondly, to deposit the debentures, or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of the Sarnia and Petrolia Railway Municipal Trust Account, and to pay the same out to the said company from time to time as the said company become entitled thereto under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being in the form set out in Schedule "A" hereto, or to the like effect, which certificate shall set forth, that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payments, or delivery of debentures, and such engineer shall not wrongfully grant any such certificate, under a penalty of five hundred dollars, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Certain municipalities to name directors.

20. Any municipality which shall grant a bonus of not less than twenty thousand dollars in aid of said company may stipulate that it shall be entitled to name a director in the said company, as the representative of such municipality.

Municipalities empowered to grant lands.

21. Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company any lands belonging to such municipality, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway, and the said railway company shall have power to accept gifts of land from any government or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Extension of time by municipalities.

22. It shall and may be lawful for the council of any municipality that may grant a bonus to the company, and they shall have full power to extend the time for the completion of the works, on the completion of which the said company would be entitled to such bonus.

Power to mortgage bonds.

23. The directors of the said company, after the sanction of the shareholders shall have first been obtained, at any special

general meeting to be called from time to time for that purpose, shall have power to issue bonds made and signed by the president or vice-president of the said company, and countersigned by the secretary and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the *real* property of the company, *including its rolling stock and equipments* then existing, and at any time thereafter acquired, and *each* holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the company as aforesaid: Provided, however, that the whole amount of such issue of bonds shall not exceed in all, the sum of eight thousand dollars per mile, nor shall the amount of such bonds issued at any one time be in excess of the amount actually expended in surveys, purchase of right of way, and works of construction and equipmment upon the line of the said railway, or material actually purchased, paid for and delivered to the company within the Province of Ontario or Quebec; and provided *also* further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors, and for voting, as are attached to shareholders; provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof. ☜

Limit to bonds.

Proviso.

Proviso.

24. The railway shall be commenced within two years and be completed within five years from the passing of this Act.

Commencement and completion.

25. The company incorporated by this Act may enter into any arrangement with any other railway company or companies, *lawfully authorized in that behalf* for the building and working of the said railway on such terms and conditions as the directors of the several companies may agree on, for leasing or hiring from such other company or companies any locomotives or other moveable property, and generally to make any agreement or agreements with any other company *lawfully authorized in that behalf* touching the use by one or the other or by both companies of the railways or rolling stock or either or both or any part thereof or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the terms and tenor thereof; provided that the assent of at least two thirds of the shareholders shall be first obtained at a general special meeting to be called for the purpose according to the by-laws of the company and provisions of this Act, and the company or companies leasing or entering into the agreement for using the said line, may and are hereby authorized to work the said railway in the same manner and in all respects as if incorporated with their own line, *but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.*

Agreements with other companies.

Proviso.

Power to issue preferential bonds.

26. The said company hereby incorporated, may from time to time for advances of money to be made thereon, mortgage or pledge any bonds which they can under the powers of this Act issue for the construction of the railway or otherwise.

Transfer of shares.

27. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Form of conveyance.

28. Conveyances of lands to the said company for the purpose of and powers given by this Act, made in the form set out in schedule "*B*" hereunder written, or the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate and interest, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Power to build warehouses, etc.

29. The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, work shops, and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Extension of time.

30. In case the conditions upon which any municipality grants aid to the said company be not fully complied with in the time specified, the said municipality, through its council, may grant further time to the company for the fulfilment of its obligations as by the said council may be thought advisable

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☞ SCHEDULE "A"

(*Section 19.*)

Chief Engineer's Certificate.

The Sarnia and Petrolia Railway Company's Office, Engineer's Department, No. , A.D. 188 .

Certificate to be attached to cheques drawn on the Sarnia and Petrolia Railway Company Municipal Trust Account, given under section chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, A. B., Chief Engineer for the Sarnia and Petrolia Railway Company, do certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the Township of (*or* under the agreement dated the day of between the Corporation of and the said company) to entitle the said company to receive from the said trust the sum of [*here set out the terms and conditions, if any, which have been fulfilled*]. ☜

SCHEDULE *B.*

(Section 28.)

Know all men by these presents that I (*or* we) [*insert the name of the vendor*] in consideration of dollars paid to me (*or* us) by the Sarnia and Petrolia Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (*or* we) [*insert the name of any other party*] in consideration of dollars paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant or release all that certain parcel (*or* those certain parcels) of land situated [*describe the lands*], the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said Sarnia and Petrolia Railway Company, their successors and assigns, [*here insert any other clauses, conditions and covenants required.*]

And I (*or* we) the wife (*or* wives) of the said do hereby bar dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of one thousand eight hundred and

Signed, sealed and delivered in presence of } [L.S.]

No. 75.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to incorporate the Sarnia and Petrolia Railway Company.

(Reprinted as Amended.)

First Reading, 27th January, 1880.

(PRIVATE BILL.)

Mr. PARDEE.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 76.] BILL. [1880.

An Act to amend the Act respecting Ditching Watercourses.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Sec. 3 of R. S. O., c. 199, amended.

Section three of Chapter one hundred and ninety-nine of the Revised Statutes is hereby amended by striking out the word "occupying," in the first line of said section and substituting therefor the word "of."

No. 76.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the Act respecting Ditching Watercourses.

First Reading, 16th January, 1880.

Mr. ROBINSON, *(West Kent).*

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 76.] BILL. [1880.

An Act respecting Ditching Water-courses.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section three of Chapter one hundred and ninety-nine of the Revised Statutes is hereby amended by striking out the word "occupying," in the first line of said section and substituting therefor the word "of." R.S.O., c. 199, s. 3 amended.

2. Sub-section three of section four of the said Act is hereby amended by striking out all the words after the word "resident" in the sixth line of the said sub-section and inserting the words "by mailing *such notice to, or leaving the same* with, any agent of such owner or by mailing such notice to the last known place of residence of such owner." Sec. 4, sub-s. 3 amended.

3. Sub-section three of section seven of the said Act is hereby amended by adding thereto the following proviso: Sec. 7, sub-s. 3, amended.

"Provided always that in the case of the death or removal from the municipality of any such fence-viewers or his or their ceasing to be fence-viewers, another or other fence-viewer or fence-viewers may be notified in the place of him or them so dying, removing out of the municipality or ceasing to be fence-viewers, but there shall be the same right of objecting to the substituted fence-viewers as is given by sub-section four of section four of this Act, and in case of such objection being made the judge shall name the fence-viewers who are to arbitrate."

4. The eighth section of the said Act is hereby repealed and the following substituted therefor: Sec. 8 repealed.

8. The award and any plan made as above provided for, shall be deposited in the office of the clerk of the municipality in which the lands are situate, within ten days after the making thereof, and the award and plan shall be official documents, and may be given in evidence in any legal proceedings by certified copies, as are other official documents, and notice of their being made shall also be given by the clerk of such municipality to all parties interested, within three days after their deposit. Award and plan deposited to be evidence. Notification of making award and plan.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting Ditching Water-courses.

(Reprinted as amended.)

1st Reading, 16th January, 1880.
2nd " 23rd " 1880.

Mr. ROBINSON *(Kent)*.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 76.] BILL. [1880.

An Act respecting Ditching Water-courses.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

R.S.O., c. 199, s. 3 amended.

1. Section three of Chapter one hundred and ninety-nine of the Revised Statutes is hereby amended by striking out the word "occupying," in the first line of said section and substituting therefor the word "of."

Sec. 4, sub-s. 3 amended.

2. Sub-section three of section four of the said Act is hereby amended by striking out all the words after the word "resident" in the sixth line of the said sub-section and inserting the words "by mailing to or leaving such notice with any agent of such owner or by mailing such notice to the last known place of residence of such owner."

Sec. 7, sub-s. 3, amended.

3. Sub-section three of section seven of the said Act is hereby amended by adding thereto the following proviso:

"Provided always that in the case of the death or removal from the municipality of any such fenceviewers or his or their ceasing to be fenceviewers, another or other fenceviewer or fenceviewers may be notified in the place of him or them so dying, removing out of the municipality or ceasing to be fenceviewers, but there shall be the same right of objecting to the substituted fenceviewers as is given by sub-section four of section four of this Act, and in case of such objection being made the judge shall name the fenceviewers who are to arbitrate."

Sec. 8 repealed.

4. The eighth section of the said Act is hereby repealed and the following substituted therefor:

Award and plan deposited to be evidence.

8. The award and any plan made as above provided for, shall be deposited in the office of the clerk of the municipality in which the lands are situate, within ten days after the making thereof, and the award and plan shall be official documents, and may be given in evidence in any legal proceedings by certified copies, as are other official documents, and notice of their being made shall also be given by the clerk of such municipality to all parties interested, within three days after their deposit.

Notification of making award and plan.

BILL.

An Act respecting Ditching Water-courses.

(Reprinted as Amended.)

1st Reading, 16th January, 1880.
2nd " 23rd " 1880.

MR. ROBINSON (*Kent*).

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 77.] BILL. [1880.

An Act to remove doubts arising out of the Revised Statute respecting Mortgages and Sales of Personal Property.

Preamble.

WHEREAS doubts have arisen as to the method by which the agent of a mortgagee or bargainee, authorized in writing to take or renew a chattel mortgage or other conveyance, may be appointed under the Revised Statute respecting mortgages and sales of personal property, and it is expedient to remove the same:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

General authority may be given to agents.

1. Wherever, in and by the said Act, power is given to a mortgagee or bargainee to appoint an agent for the purpose of taking or renewing mortgages or other conveyances under the said Act, it shall not be necessary to have a separate and distinct authority to take or renew each mortgage or other conveyance in each individual instance, but such authority may be a general one, to take and renew all or any such mortgages or conveyances, as may be deemed necessary, to the mortgagee or bargainee, and as often as may be deemed necessary, and shall be conferred by an instrument in writing containing words sufficient for such purpose.

Copy to be registered with each mortgage etc.

2. A copy of such general authority shall be registered with each mortgage or renewal thereof, or conveyance or copy thereof filed.

No. 77.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to remove doubts arising out of the Revised Statute respecting Mortgages and Sales of Personal Property.

1st Reading, 16th January, 1880.

Mr. MEREDITH.

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET.

☞No. 77.] BILL. [1880.

An Act to amend the Revised Statute respecting Mortgages and Sales of Personal Property.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

R. S. O. c. 119. s. 7, amended.

1. Section seven of the Revised Statute, chapter one hundred and nineteen, respecting Mortgages and Sales of Personal Property, is hereby amended by striking out the words "where the mortgagor or bargainor if a resident in Ontario resides at the time of the execution thereof, or if he is not a resident then in the office of the clerk of the county court, or union of counties," in the third, fourth, fifth and sixth lines of the said section.

Sec. 10, repealed.

2. Section ten of the said Revised Statute is hereby repealed, and the following substituted therefor :

Statement to be filed yearly or mortgage invalidated as against creditors.

10. Every mortgage, or copy thereof, filed in pursuance of this Act, shall cease to be valid as against the creditors of the persons making the same and against subsequent purchasers and mortgagees in good faith for valuable consideration after the expiration of one year from the filing thereof, unless within thirty days next preceding the expiration of the said term of one year, a statement exhibiting the interest of the mortgagee, his executors, administrators or assigns, in the property claimed by virtue thereof, and a full statement of the amount still due for principal and interest thereon, and of all payments made on account thereof, is again filed in the office of the clerk of the county court of the county, or union of counties, wherein such goods and chattels are then situate, with an affidavit of the mortgagee, or one of several mortgagees, or of the assignee or one of several assignees, or of the agent of the mortgagee or assignee, or mortgagees or assignees (as the case may be), duly authorized in writing, for that purpose, (a copy of which authority shall be filed therewith,) stating that such statements are true, and that the said mortgage has not been kept on foot for any fraudulent purpose.

Form of statement and affidavit.

3. The statements and affidavit mentioned in the next preceding paragraph may be in the form given in the schedule to this Act, or to the like effect.

Mode of filing and entering affidavit and statement.

4. The said statements and affidavit shall be filed and entered in like manner as the instruments mentioned in the said Revised Statute are, by section eight thereof, required to be filed and entered, and the like fees shall be payable for filing and entering such instruments.

R. S. O., 119, s. 15, repealed.

5. Section fifteen of the said Revised Statute is hereby repealed, and the following substituted therefor:

15. Where a mortgage has been renewed under section ten of this Act, the endorsement or entries required by the preceding section to be made need only be made upon the statements and affidavit filed on the last renewal, and at the entries of such statements and affidavit in the said book.

An authority to take or renew mortgages may be a general one.

6. An authority for the purpose of taking or renewing a mortgage or conveyance under the provisions of the said Revised Statute may be a general one to take and renew all or any mortgages or conveyances to the mortgagee or bargainee.

SCHEDULE.

(Section 3.)

Statement exhibiting the interest of *C. D.* in the property mentioned in a Chattel Mortgage dated the day of 18 , and made between *A. B.*, of , of the one part, and *C. D.*, of of the other part, and filed in the office of the clerk of the county court of the county of on the day of 18 , and of the amount due for principal and interest thereon, and of all payments made on account thereof.

The said *C. D.* is still the mortgagee of the said property, and has not assigned the said Mortgage (*or* the said *E. F.* is the assignee of the said Mortgage by virtue of an assignment thereof from the said *C. D.* to him, dated the day of 18 ,) (*or as the case may be*).

No payments have been made on account of the said mortgage (*or* the following payments, and no other, have been made on account of the said Mortgage:

1880, January 1, Cash received..... $100 00)

The amount still due for principal and interest on the said Mortgage is the sum of dollars, computed as follows: [*here give the computation.*]

C. D.

County of } I, of the
To wit: } of in the county of the mortgagee named in the Chattel Mortgage mentioned in the foregoing (*or* annexed) statement (*or* assignee of the mortgagee named in the Chattel Mortgage mentioned in the foregoing [*or* annexed] statement,) (*as the case may be*), make oath and say:

1. That the foregoing (*or* annexed) statements are true.

2. That the Chattel Mortgage mentioned in the said statements has not been kept on foot for any fraudulent purpose.

Sworn before me at the }
of in the }
county of this }
day of 18 }

No. 77.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the Revised Statute, respecting Mortgages and Sales of Personal Property.

(Reprinted as Amended.)

First Reading, 16th January, 1880.

Second " 22nd " 1880.

Mr. MEREDITH.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

☞No. 77.] **BILL.** [1880.

An Act to amend the Revised Statute respecting Mortgages and Sales of Personal Property.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

R. S. O. c. 119, s. 7, amended.

1. Section seven of the Revised Statute, chapter one hundred and nineteen, respecting Mortgages and Sales of Personal Property, is hereby amended by striking out the words "where the mortgagor or bargainor if a resident in Ontario resides at the time of the execution thereof, or if he is not a resident then in the office of the clerk of the county court, or union of counties," in the third, fourth, fifth and sixth lines of the said section.

Sec. 10, repealed.

2. Section ten of the said Revised Statute is hereby repealed, and the following substituted therefor:

Statement to be filed yearly or mortgage invalidated as against creditors.

10. Every mortgage, or copy thereof, filed in pursuance of this Act, shall cease to be valid as against the creditors of the persons making the same and against subsequent purchasers and mortgagees in good faith for valuable consideration after the expiration of one year from the filing thereof, unless within thirty days next preceding the expiration of the said term of one year, a statement exhibiting the interest of the mortgagee, his executors, administrators or *other* assigns, in the property claimed by virtue thereof, and *shewing* the amount still due for principal and interest thereon, and *shewing* all payments made on account thereof, is again filed in the office of the clerk of the county court of the county, or union of counties, wherein such goods and chattels are then situate, with an affidavit of the mortgagee, or one of several mortgagees, or of the assignee or one of several assignees, or of the agent of the mortgagee or assignee, or mortgagees or assignees (as the case may be), duly authorized in writing, for that purpose, (a copy of which authority shall be filed therewith,) that such statement *is* true, and that the said mortgage has not been kept on foot for any fraudulent purpose.

Form of statement and affidavit.

3. The statement and affidavit mentioned in the next preceding paragraph may be in the form given in the schedule to this Act, or to the like effect.

Mode of filing and entering affidavit and statement.

4. The said statement and affidavit shall be *deemed one instrument and be* filed and entered in like manner as the instruments mentioned in the said Revised Statute are, by section eight thereof, required to be filed and entered, and the like fees shall be payable for filing and entering *the same as are now payable for filing and entering such instruments.*

R. S. O., 119, s. 15, repealed.

5. Section fifteen of the said Revised Statute is hereby repealed, and the following substituted therefor:

15. Where a mortgage has been renewed under section ten of this Act, the endorsement or entries required by the preceding section to be made need only be made upon the statement and affidavit filed on the last renewal, and at the entries of such statement and affidavit in the said book.

An authority to take or renew mortgages may be a general one.

6. An authority for the purpose of taking or renewing a mortgage or conveyance under the provisions of the said Revised Statute may be a general one to take and renew all or any mortgages or conveyances to the mortgagee or bargainee.

Sec. 17 amended.

7. Section seventeen of the said Revised Statute is hereby amended by striking out all the words in the said section down to and inclusive of the word "but," where it firstly occurs in the fifth line thereof, and substituting therefor the word "when;" and said section seventeen is further amended by adding therein after the words "County court," in the ninth line thereof, the words following, "and with the substitution of ten days for five days as the time within which the instrument or a copy thereof shall be registered."

Sec. 18 amended.

8. Section eighteen of the said Revised Statute is hereby amended by striking out all the words in the said section down to and inclusive of the word "but," in the fourth line thereof, and substituting therefor the word "when."

Sec. 19 amended.

9. Section nineteen of the said Revised Statute is hereby amended by striking out all the words in the said section down to and inclusive of the word "but," in the fourth line thereof, and substituting therefor the word "when."

Time Act to come in force. Title.

10. This Act shall not come into force until the first day of October next, and may be cited as "The Mortgages and Sales of Personal Property Amendment Act, 1880."

SCHEDULE.

(*Section 3.*)

Statement exhibiting the interest of *C. D.* in the property mentioned in a Chattel Mortgage dated the day of 18 , made between *A. B.*, of , of the one part, and *C. D.*, of of the other part, and filed in the office of the clerk of the county court of the county of on the day of 18 , and of the amount due for principal and interest thereon, and of all payments made on account thereof.

The said *C. D.* is still the mortgagee of the said property, and has not assigned the said Mortgage (*or* the said *E. F.* is the assignee of the said Mortgage by virtue of an assignment thereof from the said *C. D.* to him, dated the day of 18 ,) (*or as the case may be*).

No payments have been made on account of the said mortgage (*or* the following payments, and no other, have been made on account of the said Mortgage:

1880, January 1, Cash received..... $100 00)

The amount still due for principal and interest on the said Mortgage is the sum of dollars, computed as follows: [*here give the computation.*]

C. D.

County of } I, of the
To wit: } of in the county
of the mortgagee named in the Chattel Mortgage mentioned in the foregoing (*or* annexed) statement (*or* assignee of the mortgagee named in the Chattel Mortgage mentioned in the foregoing [*or* annexed] statement,) (*as the case may be*), make oath and say:

1. That the foregoing (*or* annexed) statement is true.

2. That the Chattel Mortgage mentioned in the said statement has not been kept on foot for any fraudulent purpose.

Sworn before me at the }
of in the }
county of this }
day of 18 }

No. 77.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the Revised Statute, respecting Mortgages and Sales of Personal Property.

(Reprinted as Amended.)

First Reading, 16th January, 1880.

Second " 22nd " 1880.

Mr. MEREDITH.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 78.] BILL. [1880.

An Act to amend the Public Schools Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section fourteen of the Revised Statute respecting Public Schools is hereby amended, by adding thereto the following:— "But in the case of Public Schools, in rural school sections, the first term shall end on the the thirty-first day of July, and the second shall begin on the twenty-second day of August." Sec. 14 of R. S. O., c. 204, amended.

2. Section fifteen of the said Revised Statute is hereby amended, by adding thereto the following:—"But in the case of Public Schools, in rural sections, the summer vacation shall be from the first to the twenty-first day of August, inclusive. Sec. 15, amended.

3. This Act shall take effect and come into operation upon the first day of January, of the year of our Lord one thousand eight hundred and eighty-one. When Act to take effect.

No. 78.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the Public Schools Act.

First Reading, 16th January, 1880.

Mr. WATERS.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 79.] BILL. [1880.

An Act to make provision for the support of Destitute Insane Persons.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

County council to make provision for insane destitute

1. The county council of each county shall, at its first meeting in every year, and at its first meeting after the passing of this Act in this year, make provision for the whole or partial support of insane destitute persons, either in the county gaol or some other place within the county, and shall determine the sum to be paid for such support, and also the party or parties to whom such sums shall be paid by the county treasurer.

Evidence may be taken by council.

2. The county council may take evidence from any party or parties touching and concerning the support of such insane destitute persons, and shall have power to take such evidence, if they see fit to do so, upon the oath or affirmation of the parties giving the same. The warden of the council may administer the oath or affirmation, or, in his absence, the clerk.

R. S. O., c. 179, repealed.

3. Chapter one hundred and seventy-nine of the Revised Statutes, intituled "An Act respecting the Support of Destitute Insane Persons," is hereby repealed.

1st Session. 4th Parliament, 43 Vic., 1880.

BILL.

An Act to make provision for the support of Destitute Insane Persons.

1st Reading, 16th January, 1880.

Mr. WATERS.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 79.] BILL. [1880.

An Act respecting the support of Destitute Insane Persons.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

County council to make provision for insane destitute.

1. The county council of each county shall, from time to time, make provision for the whole or partial support of such insane destitute persons as cannot properly be admitted to the provincial asylums, either in the county gaol or some other place within the county, and shall determine the sum to be paid for such support, and also the party or parties to whom such sums shall be paid by the county treasurer.

R. S. O., c. 179, repealed.

2. Chapter one hundred and seventy-nine of the Revised Statutes, intituled "An Act respecting the Support of Destitute Insane Persons," is hereby repealed.

No. 79.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting the Support of Destitute Insane Persons.

(Reprinted as Amended,)

First Reading, 16th January, 1880.
Second " 23rd " 1880.

Mr. WATERS.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON

No. 79.] BILL. [1880.

An Act respecting the support of Destitute Insane Persons.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

County council to make provision for insane destitute.

1. The county council of each county shall, from time to time, make provision for the whole or partial support of such insane destitute persons as cannot properly be admitted to the provincial asylums, either in the county gaol or some other place within the county, and shall determine the sum to be paid for such support, and also the party or parties to whom such sums shall be paid by the county treasurer.

Evidence may be taken by council.

2. The county council may take evidence from any party or parties touching and concerning the support of such insane destitute persons, and shall have power to take such evidence, if they see fit to do so, upon the oath or affirmation of the parties giving the same. The warden of the council may administer the oath or affirmation, or, in his absence, the clerk.

R. S. O., c. 179, repealed.

3. Chapter one hundred and seventy-nine of the Revised Statutes, intituled "An Act respecting the Support of Destitute Insane Persons," is hereby repealed.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting the Support of Destitute Insane Persons.

(*Reprinted as Amended.*)

1st Reading, 16th January, 1880.
2nd " 23rd " 1880.

Mr. WATERS.

TORONTO
PRINTED BY C. B. ROBINSON, JORDAN STREET

No. 80.] BILL. [1880.

An Act to amend the Liquor License Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Sec. 34 of R. S. O., c. 181, amended.

1. Section thirty-four of Chapter one hundred and eighty-one of the Revised Statutes is hereby amended by adding thereto the following as sub-section four:

Inspector to deliver detailed statement under oath.

(4) The Inspector shall in each and every year, and not later than the fifteenth day of July, deliver to the clerk of each municipality within his inspectoral division, a detailed statement of all moneys received for licenses, fines, and penalties, also of all moneys paid to the Provincial Treasurer, also of what is paid for the salary and expenses of the Inspector, and for the expenses of the office of the board, and of officers, together with all other expenses incurred in carrying the provisions of the law into effect; the names of all parties from whom moneys have been received, and to whom paid. The foregoing statement shall be made in such form, as to shew the moneys received and paid on account of each municipality within the inspectoral division, and shall be made out from the thirtieth day of June of the previous year, and up to and including the thirtieth day of June then last past, and shall be sworn to or affirmed as in every particular correct to the best of his knowledge and belief; said oath or affirmation may be taken before any one of Her Majesty's justices of the peace, or the head or clerk of any of the municipalities within the inspectoral division.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the Liquor License Act.

1st Reading, 16th January, 1880.

Mr. WATERS.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 81.] BILL. [1880.

An Act to amend the Act respecting Public, Separate and High Schools.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section thirteen of the Act passed in the forty-second year of the reign of Her present Majesty, and chaptered thirty-four, is hereby repealed. 42 Vic., c. 34, s. 13, repealed.

2. Sub-section four of section one hundred and sixty of the Public Schools Act is hereby re-enacted, and the following shall be added thereto and form part of the same:—"Provided the school rate paid by such person upon the said property is at least equal to the average school rate paid by the residents of such section or division: and the fee to be imposed upon other non-resident pupils whose parents or guardians do not pay an average school rate in the section or division shall not exceed the sum of twenty-five cents for each pupil for every calendar month." Sub.-s. 4 of sec. 160, c. 204, R. S. O., re-enacted. Proviso. Fees on non-resident pupils.

No. 81.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the Act respecting Public, Separate and High Schools.

1st Reading, 16th January, 1880.

Mr. Ross.

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET.

No. 83.] BILL. [1880.

An Act to incorporate the Flos Lumber Company, and to enable them to construct and operate a Branch Railway.

Preamble.

WHEREAS Wesley Fletcher Orr, of the town of Barrie, in the county of Simcoe, gentleman, Britton Bath Osler, of the city of Hamilton, in the county of Wentworth, esquire, Edmund Boyd Osler and Robert Cochran, both of the city of Toronto, in the county of York, esquires, are associated together under the name of the "Flos Lumber Company," and, for the purposes of the said company, have built a branch railway from a point near the Elmvale Station, on the North Simcoe Railway, towards their mill, situate on lot of the concession of the township of Flos, and, for the purposes of the said company, require to extend the said branch road to a point at or near Orr Lake, on the highway known as the Penetanguishene Road, a total length of about four miles; and whereas the construction and extension of such branch railway has become desirable for the development of the lumber resources of that district and for public convenience, and the said Wesley Fletcher Orr, Britton Bath Osler, Edmund Boyd Osler and Robert Cochran have petitioned that an Act may be passed incorporating them under the name of the "Flos Lumber Company," and authorizing the construction, operation and maintenance of the said branch railway; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the consent and advice of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said Wesley Fletcher Orr, Britton Bath Osler, Edmund Boyd Osler and Robert Cochran, and such other persons and corporations as shall in pursuance of this Act become shareholders, are hereby constituted a body corporate and politic, by the name of the "Flos Lumber Company."

R. S. O., c. 165, to apply.

2. The Railway Act of Ontario, chaptered one hundred and sixty-five of the Revised Statutes of Ontario, and the several clauses thereof respecting "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors," "calls," "dividends," "shares and their transfer," "shareholders," "municipalities taking stock," "by-laws, notices, &c.," "working of the railway," "actions for indemnity, and fines and penalties and their prosecution," and "general provisions," are incorporated with and form a part of this Act, and shall apply to the said company, and the railway to be constructed by them, except only in so far as they are inconsistent with the express enact-

ments hereof, and the expression "this Act," when used herein, shall include the clauses of the said Railway Act of Ontario so incorporated with this Act.

Location of railway.

3. The said company shall have full power under this Act to construct, maintain and operate a railway from any point at or near the Elmvale Station, on the line of the North Simcoe Railway, to a point at or near Orr Lake, on the highway known as the Penetanguishene Road, and to such other points within the distance of five miles from Orr Lake as may hereafter be determined upon, with full power to pass over any portion of the country between the points aforesaid; and the company shall haul, or permit to be hauled over its line, all traffic offered at the ordinary rates charged for short distance freights by the other chartered railway companies of this Province, and, in case of dispute, such rates, and the terms and conditions upon which such traffic is to be conducted, may be settled by the Lieutenant-Governor in Council.

Gauge.

4. The said railway may be of any gauge.

Agreements with other companies.

5. The company shall have power to lease iron and other material, for any term of years, from any other railway company, and they shall, also, have the power to sell or lease the said railway to any other railway company, or to make any agreement with any other railway company, or with any person or firm for operating, or partially operating the said railway.

Aid to company.

6. The said company may receive, from private individuals, or from any municipality, any bonus or gift for the extension of the said railway within the distance authorized by this Act.

Conveyance of railway to company.

7. The conveyance, by the said petitioners, of that part of the said railway now constructed to the said company, shall vest the same in the said company as if constructed by them under this Act.

Carriage of passengers by company.

8. The said company may, but shall not be bound to, operate the said railway for passenger traffic.

Right to abandon railway.

9. The company may, at the end of eight years or at any subsequent period, abandon and relinquish the said railway, and take up and remove all rails, ties, and other material used in the construction thereof, and, in such case, all lands acquired for the purposes of the said railway shall forthwith thereafter vest in the owner of the lands respectively severed by the said railway, or in the person now owning the same, his heirs or assigns.

Lands taken to vest again in original owners.

Number of directors and mode of election.

10. The number of directors of the said company shall be four, who shall be elected annually at a general meeting of the shareholders, to be held at the office of the company, in the city of Toronto, on the first Monday in February in each year, three of whom shall form a quorum for the transaction of business; the first annual meeting shall be held on the first Monday in February, in the year of our Lord one thousand eight hnndred and eighty-one.

11. The said Wesley Fletcher Orr, Britton Bath Osler, Edmund Boyd Osler and Robert Cochran shall be the first directors of the said company. First directors.

12. The capital of the company hereby incorporated shall be sixty thousand dollars, to be composed of six hundred shares of one hundred dollars each, and which shares shall be fully paid up by the conveyance of all the present assets and property, real and personal, of the said association, the Flos Lumber Company, including that portion of the said railway now constructed, to the said company. Capital.

13. The said company shall have full power to purchase, lease, hold, mortgage, sell and convey any lands or pine trees or timber within the townships of Flos and Medonte or elsewhere in the county of Simcoe. Powers as to purchase, etc., of land and timber.

14. The clauses of "The Ontario Joint Stock Companies' General Clauses Act" numbers 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 40, 41, 42, 43 shall be incorporated with and form part of this Act. Certain clauses of R. S. O., c. 149, incorporated.

1st Session, 4th Parliament, 43 Vic., 1880.

BILL.

An Act to incorporate the Flos Lumber Company, and to enable them to construct and operate a Branch Railway.

1st Reading, 1880.

(PRIVATE BILL.)

Mr. AWREY.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 83.] BILL. [1880.

An Act to incorporate the Flos *Tramway* Company.

WHEREAS Wesley Fletcher Orr, of the town of Barrie, in the county of Simcoe, gentleman, Britton Bath Osler, of the city of Hamilton, in the county of Wentworth, esquire, Edmund Boyd Osler and Robert Cochran, both of the city of Toronto, in the county of York, esquires, have petitioned that an Act may be passed incorporating them under the name of the "Flos *Tramway* Company," and authorizing the construction, operation and maintenance of *a tramway from a point at or near the Elmvale Station on the line of the North Simcoe Railway to a point at or near Orr Lake on the highway known as the Penetanguishene Road;* and whereas it is expedient to grant the prayer of the said petition: Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Wesley Fletcher Orr, Britton Bath Osler, Edmund Boyd Osler and Robert Cochran, and such other persons and corporations as shall in pursuance of this Act become shareholders, are hereby constituted a body corporate and politic, by the name of the "Flos *Tramway* Company." Incorporation.

2. The Railway Act of Ontario, chaptered one hundred and sixty-five of the Revised Statutes of Ontario, and the several clauses thereof respecting "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors," "calls," "dividends," "shares and their transfer," "shareholders," "municipalities taking stock," "by-laws, notices, &c.," "actions for indemnity, and fines and penalties and their prosecution," are incorporated with and form a part of this Act, and shall apply to the said company, and the *tramway* to be constructed by them, except only in so far as they are inconsistent with the express enactments hereof, and the expression "this Act," when used herein, shall include the clauses of the said Railway Act of Ontario so incorporated with this Act. R. S. O., c. 165, to apply.

3. The said company shall have full power under this Act to construct, maintain and operate a *tramway* from any point at or near the Elmvale Station, on the line of the North Simcoe Railway, to a point at or near Orr Lake, on the highway known as the Penetanguishene Road, and to such other points within the distance of five miles from Orr Lake as may hereafter be determined upon, with full power to pass over any portion of the country between the points aforesaid; and the company shall haul, or permit to be hauled over its line, all traffic Location of line.

offered *at such rates and subject to such terms and conditions as may from time to time be* settled by the Lieutenant-Governor in Council.

Gauge.

4. The said tramway may be of any gauge.

Agreements with other companies.

5. The company shall have power to lease iron and other material, for any term of years, from any railway company *lawfully authorized to enter into such agreement*, and they shall, also, have the power to sell or lease the said *tramway* to any railway company, or to make any agreement with any railway company *lawfully authorized in that behalf*, for operating, or partially operating, the said *tramway*.

Aid to company.

6. The said company may receive, from private individuals, or from any municipality, any bonus or gift for the extension of the said *tramway* within the distance authorized by this Act.

Conveyance of existing tramway to company.

7. The conveyance, by the said petitioners, of that part of the said *tramway* now constructed to the said company, shall vest the same in the said company as if constructed by them under this Act.

Carriage of passengers by company.

8. The said company may, but shall not be bound to, operate the said *tramway* for passenger traffic.

Right to abandon tramway.

9. The company may, at the end of eight years or at any subsequent period, abandon and relinquish the said *tramway*, and take up and remove all rails, ties, and other material used in the construction thereof, and, in such case, all lands acquired for the purposes of the said *tramway* shall forthwith thereafter vest in the owner of the lands respectively severed by the said *tramway*, or in the person now owning the same, his heirs or assigns.

Lands taken to vest again in original owners.

Number of directors and mode of election.

10. The number of directors of the said company shall be four, who shall be elected annually at a general meeting of the shareholders, to be held at the office of the company, in the city of Toronto, on the first Monday in February in each year, three of whom shall form a quorum for the transaction of business; the first annual meeting shall be held on the first Monday in February, in the year of our Lord one thousand eight hundred and eighty-one, *and the method of calling general meetings shall be determined and settled by by-law of the directors.*

First directors.

11. The said Wesley Fletcher Orr, Britton Bath Osler, Edmund Boyd Osler, and Robert Cochran shall be the first directors of the said company.

Capital.

☞**12.** The capital of the company hereby incorporated shall be fifteen thousand dollars (with power to increase the same in the manner provided by the Railway Act), to be divided into one hundred and fifty shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and all the remainder of such moneys shall be applied to the acquisition, making, equipment and completion of the said tramway.☜

No. 83.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to incorporate the Flos *Tramway* Company.

(*Reprinted as Amended.*)

1st Reading, 26th January, 1880.

(*PRIVATE BILL.*)

Mr. Awrey.

TORONTO:
Printed by C. Blackett Robinson.

No. 84] **BILL.** [1880.

An Act to amend the law for the Protection of Game and Fur-bearing animals.

WHEREAS it is expedient to amend the law respecting the preservation of game and fur-bearing animals in Ontario: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

41 Vic., c. 18, repealed.

1. The Act passed in the forty-first year of Her Majesty's reign, and chaptered eighteen, is hereby repealed.

Close period.

Deer, etc.

Grouse, etc.

Turkeys and quail.

Woodcock.

Snipe and plover.

Ducks.

Swans and geese.

Hares.

Squirrels.

2. None of the animals or birds hereinafter mentioned, shall be hunted, taken or killed within the periods hereinafter limited; (1) deer, elk, moose, reindeer or caribou, between the fifteenth day of December and the first day of October; (2) grouse, pheasants, prairie fowl or partridge, between the first day of January and the first day of September; (3) wild turkeys or quail, between the first day of January and the first day of October; (4) woodcock, between the first day of January and the first day of August; (5) snipe or plover, between the first day of May and the fifteenth day of August; (6) water fowl, known as mallard, grey duck, black duck, wood or summer duck, between the first day of January and the fifteenth day of August; (7) other ducks, swans or geese, between the first day of May and the fifteenth day of August; (8) hares or rabbits, between the first day of March and the first day of September; (9) black squirrels, grey squirrels or red squirrels, between the first day of January and the first day of August.

Possession, how far lawful

Exposure for sale.

3. No person shall have in his possession any of the said animals or birds, or any part or portion of any of such animals or birds, whether the same be taken or killed in Canada or the United States during the periods in which they are so protected: Provided that they may be exposed for sale for two weeks, and no longer, after such periods, and may be had in possession for the private use of the owner and his family at any time, but in all cases the proof of the time of killing or taking shall be upon the person so in possession.

Protection of eggs.

4. No eggs of any of the birds above mentioned shall be taken, destroyed, or had in possession by any person at any time.

Trapping forbidden.

5. None of the said animals or birds, except the animals mentioned in the seventh section of this Act, shall be trapped, or taken, by means of traps, nets, snares, gins, baited lines, or

other similar contrivances; nor shall such traps, nets, snares, gins, baited lines or contrivances be set for them, or any of them, at any time; and such traps, nets, snares, gins, baited lines or contrivances may be destroyed by any person without such person thereby incurring any liability therefor.

Batteries, etc., for taking wild fowl forbidden.

6. None of the contrivances for taking or killing the wild fowl, known as swans, geese or ducks, which are here described as batteries, sunken punts or night-lights, shall be used at any time.

Fur-bearing animals protected.

7. No beaver, muskrat, mink, sable, martin, racoon, otter or fisher, shall be hunted, taken or killed or had in possession of any person between the first day of May and the first day of November; nor shall any traps, snares, gins or other contrivances be set for them during such period; nor shall any muskrat-house be destroyed at any time; and any such traps, snares, gins or other contrivances so set may be destroyed by any person without such person thereby incurring any liability therefor: Provided that this section shall not apply to any person destroying any of the said animals in defence or preservation of his property.

Proviso.

Penalties.

8. Offences against this Act shall be punished upon summary conviction on information or complaint before a justice of the peace as follows, with costs: (1) in case of deer, elk, moose, reindeer or caribou, by a fine not exceeding fifty dollars, nor less than ten dollars for each animal; (2) in case of birds or eggs, by a fine not exceeding twenty-five dollars, nor less than five dollars for each bird or egg; (3) in case of fur-bearing animals mentioned in the seventh section of this Act, by a fine not exceeding twenty-five dollars, nor less than five dollars for each animal; (4) in the case of other breaches of this Act, by a fine not exceeding twenty-five dollars, nor less than five dollars.

Disposition of penalties.

9. The whole of such fine shall be paid to the prosecutor, unless the convicting justice has reason to believe that the prosecution is in collusion with and for the purpose of benefiting the accused, in which case the said justice may order the disposal of the fine as in ordinary cases.

Confiscation of game.

10. In all cases confiscation of game shall follow conviction, and the game so confiscated shall be given to some charitable institution or purpose, at the discretion of the convicting justice.

Game imported for breeding protected.

11. In order to encourage persons who have heretofore imported or hereafter import different kinds of game with the desire to breed and preserve the same on their own lands, it is enacted that it shall not be lawful to hunt, shoot, kill or destroy any such game without the consent of the owner of the property wherever the same may be bred.

Use of poison prohibited.

12. It shall not be lawful for any person to kill or take any animal by the use of poison or poisonous substances, nor to expose poison, poisoned bait or other poisoned substances in any place or locality where dogs or cattle may have access to the same.

13. No person not being a permanent resident of Ontario shall at any time hunt, take or kill any deer, elk, moose, reindeer, caribou, grouse, pheasant, prairie fowl, partridge, wild turkey, quail, woodcock, snipe, plover, wild duck, swan, goose, hare, rabbit or squirrel, for the purpose of exporting the same out of Ontario, and in all cases the onus of proving that any said deer, elk, moose, reindeer, caribou, grouse, pheasant, prairie fowl, partridge, wild turkey, quail, woodcock, snipe, plover, wild duck, swan, goose, hare, rabbit or squirrel so hunted, taken or killed is not intended to be exported as aforesaid, shall be upon the person hunting, killing or taking the same. Offences against this section shall be punished by a fine not exceeding twenty-five dollars, nor less than five dollars, for each animal or bird.

Game not to be killed for export except by persons permanently residing in Ontario.

Penalty.

14. No railway, express company or other common carrier, or any of their agents or servants, shall knowingly receive any of the above-mentioned animals or birds for transportation out of Ontario. Offences against this section shall be punished by a fine not exceeding twenty-five dollars, nor less than five dollars, for each animal or bird.

Railway companies, etc., not to receive game for export.

15. No owner of any dog, trained or accustomed to hunt deer, shall permit any such dog to run at large (if such dog is accustomed or is likely to resort to the woods unaccompanied by such owner or any of his family or other person) during the period hereinbefore prohibited, for hunting, taking or killing deer as aforesaid, under a penalty, on conviction, of not more than twenty-five dollars, nor less than five dollars, for each offence. Any person harbouring or claiming to be the owner of any such dog, shall be deemed to be the owner thereof.

Dogs trained to hunt deer not to run at large during close season.

No. 84.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the law for the protection of Game and Fur-bearing animals.

1st Reading, 19th January, 1880.

Mr. WIGLE.

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET.

No. 84.] BILL. [1880.

An Act to amend the law for the Protection of Game and Fur-bearing animals.

WHEREAS it is expedient to amend the law respecting the preservation of game and fur-bearing animals in Ontario: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:— Preamble.

1. The Act passed in the forty-first year of Her Majesty's reign, and chaptered eighteen, is hereby repealed. 41 Vic., c. 18, repealed.

2. None of the animals or birds hereinafter mentioned, shall be hunted, taken or killed within the periods hereinafter limited; (1) deer, elk, moose, reindeer or caribou, between the fifteenth day of December and the first day of October; (2) grouse, pheasants, prairie fowl or partridge, between the first day of January and the first day of September; (3) wild turkeys or quail, between the first day of January and the first day of October; (4) woodcock, between the first day of January and the first day of August; (5) snipe, between the first day of May and the fifteenth day of August; (6) water fowl, known as mallard, grey duck, black duck, wood or summer duck, between the first day of January and the fifteenth day of August; (7) other ducks, swans or geese, between the first day of May and the fifteenth day of August. Close period. Deer, etc. Grouse, etc. Turkeys and quail. Woodcock. Snipe. Ducks. Swans and geese.

3. No person shall have in his possession any of the said animals or birds, or any part or portion of any of such animals or birds, during the periods in which they are so protected: Provided that they may be exposed for sale for *twenty days*, and no longer, after such periods, and may be had in possession for the private use of the owner and his family at any time, but in all cases the proof of the time of killing, taking *or purchasing* shall be upon the person so in possession. Possession, how far lawful. Exposure for sale.

4. No eggs of any of the birds above mentioned shall be taken, destroyed, or had in possession by any person at any time. Protection of eggs.

5. None of the said animals or birds, except the animals mentioned in the seventh section of this Act, shall be trapped, or taken, by means of traps, nets, snares, gins, baited lines, or other similar contrivances; nor shall such traps, nets, snares, gins, baited lines or contrivances be set for them, or any of them, at any time; and such traps, nets, snares, gins, baited lines or contrivances may be destroyed by any person without such person thereby incurring any liability therefor. Trapping forbidden.

Batteries, etc., for taking wild fowl forbidden.

6. None of the contrivances for taking or killing the wild fowl, known as swans, geese or ducks, which are described *or known* as batteries, *swivel guns*, sunken punts or night-lights, shall be used at any time.

Fur-bearing animals protected.

7. No beaver, muskrat, sable, martin, otter or fisher, shall be hunted, taken or killed or had in possession of any person between the first day of May and the first day of November; *and no mink between the first day of April and the first day of November;* nor shall any traps, snares, gins or other contrivances be set for them during such period; nor shall any muskrat-house be *cut, broken or* destroyed at any time; and any such traps, snares, gins or other contrivances so set may be destroyed by any person without such person thereby incurring any liability therefor: Provided that this section shall not apply to any person destroying any of the said animals in defence or preservation of his property.

Proviso.

Penalties.

8. Offences against this Act shall be punished upon summary conviction on information or complaint before a justice of the peace as follows, with costs: (1) in case of deer, elk, moose, reindeer or caribou, by a fine not exceeding fifty dollars, nor less than ten dollars for each *offence*; (2) in case of birds or eggs, by a fine not exceeding twenty-five dollars, nor less than five dollars for each bird or egg; (3) in case of fur-bearing animals mentioned in the seventh section of this Act, by a fine not exceeding twenty-five dollars, nor less than five dollars for each *offence*; (4) in the case of other breaches of this Act, by a fine not exceeding twenty-five dollars, nor less than five dollars.

Disposition of penalties.

9. The whole of such fine shall be paid to the prosecutor, unless the convicting justice has reason to believe that the prosecution is in collusion with and for the purpose of benefiting the accused, in which case the said justice may order the disposal of the fine as in ordinary cases.

Confiscation of game.

10. In all cases confiscation of game shall follow conviction, and the game so confiscated shall be given to some charitable institution or purpose, at the discretion of the convicting justice.

Game imported for breeding protected.

11. In order to encourage persons who have heretofore imported or hereafter import different kinds of game with the desire to breed and preserve the same on their own lands, it is enacted that it shall not be lawful to hunt, shoot, kill or destroy any such game without the consent of the owner of the property wherever the same may be bred.

Use of poison prohibited.

12. It shall not be lawful for any person to kill or take any animal *protected by this Act* by the use of poison or poisonous substances, nor to expose poison, poisoned bait or other poisoned substances in any place or locality where dogs or cattle may have access to the same.

Game not to be killed for export except by persons permanently residing in Ontario.

13. No person not being a permanent resident of Ontario, save and except members of organized clubs or companies, who own or lease property in this Province for the protection of game, shall at any time hunt, take or kill any deer, elk,

moose, rein-deer, caribou, grouse, pheasant, prairie fowl, partridge, wild turkey, quail, woodcock, snipe, wild duck, swan, *or* goose, for the purpose of exporting the same out of Ontario, and in all cases the onus of proving that any *such* deer, elk, moose, reindeer, caribou, grouse, pheasant, prairie fowl, partridge, wild turkey, quail, woodcock, snipe, wild duck, swan *or* goose, so hunted, taken or killed is not intended to be exported as aforesaid, shall be upon the person hunting, killing or taking the same. Offences against this section shall be punished by a fine not exceeding twenty-five dollars, nor less than five dollars, for each animal or bird. Penalty.

14. No owner of any dog, trained or accustomed to hunt deer, shall permit any such dog to run at large (if such dog is accustomed or is likely to resort to the woods unaccompanied by such owner or any of his family or other person) during the period hereinbefore prohibited, for hunting, taking or killing deer as aforesaid, under a penalty, on conviction, of not more than twenty-five dollars, nor less than five dollars, for each offence. Any person harbouring or claiming to be the owner of any such dog, shall be deemed to be the owner thereof. Dogs trained to hunt deer not to run at large during close season.

☞**15**. It shall be lawful for the council of any county, city, town, township or incorporated village, to appoint an officer who shall be known as the game inspector for such county, city, town, township or incorporated village, and who shall perform such duties in enforcing the provisions of this Act, and be paid such salary as may be mutually agreed upon.☜ Appointment of game inspectors.

No. 84.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the law for the protection of Game and Fur-bearing animals.

(*Reprinted as Amended.*)

First Reading, 19th January, 1880.
Second " 4th February, 1880.

Mr. WIGLE.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 84.] **BILL.** [1880

An Act to amend the law for the Protection of Game and Fur-bearing animals.

WHEREAS it is expedient to amend the law respecting the preservation of game and fur-bearing animals in Ontario: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:— Preamble.

1. The Act passed in the forty-first year of Her Majesty's reign, and chaptered eighteen, is hereby repealed. 41 Vic., c. 18, repealed.

2. None of the animals or birds hereinafter mentioned, shall be hunted, taken or killed within the periods hereinafter limited; (1) deer, elk, moose, reindeer or caribou, between the fifteenth day of December and the first day of October; (2) grouse, pheasants, prairie fowl or partridge, between the first day of January and the first day of September; (3) wild turkeys or quail, between the first day of January and the first day of October; (4) woodcock, between the first day of January and the first day of August; (5) snipe, between the first day of *January* and the fifteenth day of August; (6) water fowl, known as mallard, grey duck, black duck, wood or summer duck, between the first day of January and the fifteenth day of August; (7) other ducks, swans or geese, between the first day of May and the fifteenth day of August; (8) *hares between the first day of March and the first day of September.* Close period. Deer, etc. Grouse, etc. Turkeys and quail. Woodcock. Snipe. Ducks. Swans and geese. Hares.

3. No person shall have in his possession any of the said animals or birds, or any part or portion of any of such animals or birds, during the periods in which they are so protected: Provided that they may be exposed for sale for *twenty days*, and no longer, after such periods, and may be had in possession for the private use of the owner and his family at any time, but in all cases the proof of the time of killing, taking *or purchasing* shall be upon the person so in possession. Possession, how far lawful. Exposure for sale.

4. No eggs of any of the birds above mentioned shall be taken, destroyed, or had in possession by any person at any time. Protection of eggs.

5. None of the said animals or birds, except the animals mentioned in the seventh section of this Act, shall be trapped, or taken, by means of traps, nets, snares, gins, baited lines, or other similar contrivances; nor shall such traps, nets, snares, gins, baited lines or contrivances be set for them, or any of them, at any time; and such traps, nets, snares, gins, baited lines or Trapping forbidden.

contrivances may be destroyed by any person without such person thereby incurring any liability therefor.

Batteries, etc., for taking wild fowl forbidden.

6. None of the contrivances for taking or killing the wild fowl, known as swans, geese or ducks, which are described *or known* as batteries, *swivel guns*, sunken punts or night-lights, shall be used at any time.

Fur-bearing animals protected.

7. No beaver, muskrat, sable, martin, otter or fisher, shall be hunted, taken or killed or had in possession of any person between the first day of May and the first day of November; *and no* mink *between the first day of April and the first day of November;* nor shall any traps, snares, gins or other contrivances be set for them during such period; nor shall any muskrat-house be *cut, broken or* destroyed at any time; and any such traps, snares, gins or other contrivances so set may be destroyed by any person without such person thereby incurring any liability therefor: Provided that this section shall not apply to any person destroying any of the said animals in defence or preservation of his property.

Proviso.

Penalties.

8. Offences against this Act shall be punished upon summary conviction on information or complaint before a justice of the peace as follows: (1) in case of deer, elk, moose, reindeer or caribou, by a fine not exceeding fifty dollars, nor less than ten dollars, *with costs*, for each *offence*; (2) in case of birds or eggs, by a fine not exceeding twenty-five dollars, nor less than five dollars, *with costs*, for each bird or egg; (3) in case of fur-bearing animals mentioned in the seventh section of this Act, by a fine not exceeding twenty-five dollars, nor less than five dollars, *with costs*, for each *offence*; (4) in the case of other breaches of this Act, by a fine not exceeding twenty-five dollars, nor less than five dollars, *with costs*.

Disposition of penalties.

9. The whole of such fine shall be paid to the prosecutor, unless the convicting justice has reason to believe that the prosecution is in collusion with and for the purpose of benefiting the accused, in which case the said justice may order the disposal of the fine as in ordinary cases.

Confiscation of game.

10. In all cases confiscation of game shall follow conviction, and the game so confiscated shall be given to some charitable institution or purpose, at the discretion of the convicting justice.

Game imported for breeding protected.

11. In order to encourage persons who have heretofore imported or hereafter import different kinds of game with the desire to breed and preserve the same on their own lands, it is enacted that it shall not be lawful to hunt, shoot, kill or destroy any such game without the consent of the owner of the property wherever the same may be bred.

Use of poison prohibited.

12. It shall not be lawful for any person to kill or take any animal *protected by this Act* by the use of poison or poisonous substances, nor to expose poison, poisoned bait or other poisoned substances in any place or locality where dogs or cattle may have access to the same.

Deer, etc., not to be killed for export

13. No person shall at any time hunt, take, or kill any deer, elk, moose, reindeer, or caribou, for the purpose of export-

ing the same out of Ontario, and in all cases the onus of proving that any such deer, elk, moose, reindeer; or caribou, so hunted, taken or killed is not intended to be exported as aforesaid shall be upon the person hunting, killing, or taking the same;

(1) Offences against this section shall be punished by a fine not exceeding twenty-five dollars, nor less than five dollars for each animal. Penalty.

14. No owner of any dog, trained or accustomed to hunt deer, shall permit any such dog to run at large (if such dog is accustomed or is likely to resort to the woods unaccompanied by such owner or any of his family or other person) during the period *from the fifteenth of November to the fifteenth of October*, under a penalty, on conviction, of not more than twenty-five dollars, nor less than five dollars, for each offence. Any person harbouring or claiming to be the owner of any such dog, shall be deemed to be the owner thereof. Dogs trained to hunt deer not to run at large during close season.

15. It shall be lawful for the council of any county, city town, township or incorporated village, to appoint an officer, who shall be known as the game inspector for such county, city, town, township or incorporated village, and who shall perform such duties in enforcing the provisions of this Act, and be paid such salary, as may be mutually agreed upon. Appointment of game inspectors.

No. 84.

1st Session, 4th Parliament, 43 Vic., 1880.

BILL.

An Act to amend the law for the protection of Game and Fur-bearing animals.

(Reprinted as Amended.)

First Reading, 19th January, 1880.

Second " 4th February, 1880.

MR. WIGLE.

TORONTO

PRINTED BY C. B. ROBINSON, JORDAN STREET.

No. 85.] BILL. [1880.

An Act to amend the Municipal Act.

1. Section "sixty-six" of the Municipal Act is amended by adding thereto the following words:— Sec. 66 of R. S. O., c. 174, amended.

Provided always that the council of every town where there are less than five wards may pass a by-law reducing the number of councillors for each ward to two, but such by-law, before the final passing thereof, shall receive the assent of the electors of the municipality in the manner provided for in the two hundred and eighty-sixth and following sections of this Act.

No. 85.

1st Session, 4th Parliament, 43 Vic., 1880.

BILL.

An Act to amend the Municipal Act.

First Reading, 20th January, 1880.

Mr. SPRINGER.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 86.] BILL. [1880.

An Act to amend the Agriculture and Arts Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Certain powers and duties of Commissioner of Agriculture transferred to the Minister of Education.

1. The Association of Mechanics' Institutes of Ontario, Mechanics' Institutes, the Ontario Society of Artists and Schools of Art and Design are placed under the supervision of the Minister of Education instead of the Commissioner of Agriculture, and shall report to such Minister in all matters in which, under the provisions of the Agriculture and Arts Act, they are respectively directed to report to such Commissioner; and the powers and duties by the said Act conferred upon the Commissioner of Agriculture in that behalf, are all transferred to and vested in the Minister of Education.

Evening classes in mechanics' institutes.

2. The Education Department shall have power to make, from time to time, rules and regulations, subject to the approval of the Lieutenant-Governor in Council, for the instruction in physical and practical science to be given in evening classes in Mechanics' Institutes, and for the apportionment of sums of money out of any grants to be made by the Legislature for the purpose of such classes, and also for sanctioning the purchase of books for the libraries of such Institutes in other subjects than those expressly authorized by the said Act; and the purchases of any books or apparatus from the Education department by Mechanics' Institutes, shall be deemed as if purchased by public institutions.

Inspection of mechanics' institutes.

3. It shall be the duty of the Minister of Education to see that every Mechanics' Institute, at least once in each year, is inspected, and the financial affairs thereof audited, and the standing of each Mechanics' Institute ascertained by the public school inspectors, whose remuneration shall be regulated by the Education Department, from time to time.

Additional members of council.

4. The President of the Ontario College of Agriculture and Experimental Farm, and the Professor of Agriculture therein, shall also be members, *ex officio*, of the council of the Agricultural and Arts Association.

No. 86.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the Agriculture and Arts Act.

First Reading, 21st January, 1880.

Mr. CROOKS.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 87.] BILL. [1880.

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Horses, sheep and swine not permitted to be at large.

1. No horses, sheep, or swine shall be permitted to be at large upon any highway, except in municipalities in which provision to the contrary shall be made by by-law, and any person permitting any animal to be at large, contrary to the provisions herein contained, shall be liable, on conviction before any justice of the peace having jurisdiction in any municipality in which the offence was committed, to a penalty of dollars.

Act not to apply to Algoma, etc.

2. This Act shall not apply to the provisional judicial district of Algoma, or to the territorial districts of Muskoka, Parry Sound, and Nipissing.

Commencement of Act.

3. This Act shall commence and come into operation on the first day of January, one thousand eight hundred and eighty-one.

1st Session, 4th Parliament, 43 Vic., 1880.

BILL.

An Act to amend the Municipal Act.

First Reading, 22nd January, 1880.

Mr. GRAHAM.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 88.] BILL. [1880.

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section four hundred and seventy-seven of the said Act is hereby amended by inserting after the word "county," wherever the same occurs in the said section the words "or city." R. S. O., c. 174, s. 477, amended.

2. Section four hundred and ninety-five of the said Act is hereby amended by inserting after the word "municipalities," in the third line of the said section the words "where bridges formerly existed at a distance of five miles apart." Sec. 495 amended.

No. 88.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the Municipal Act.

1st Reading, 23rd January, 1880.

Mr. Gibson, *(Hamilton.)*

TORONTO:

PRINTED BY C. B. ROBINSON, JORDAN STREET.

No. 89.] BILL. [1880.

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section one hundred and six of the Municipal Act is hereby amended, by adding thereto the following words: "And the councillors in townships not divided into wards shall be also designated as first, second, third, or fourth councillors, according to the number to be elected." R. S. O., c. 174, s. 106, amended.

2. Section two hundred and sixty-three is amended by erasing the words "the thirty-first day of" in the third line, and the words "December in each year" in the fourth line of the said section, and substituting therefor the words "their appointment." Sec. 263 amended.

No. 89.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the Municipal Act.

1st Reading, 23rd January, 1880.

Mr. NAIRN.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 90.] BILL. [1880.

An Act respecting Tile, Stone, or Timber Drainage.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Ditches or outlets, how made.

1. When it is necessary that a ditch should be made as an outlet to any underdrainage, made either by private funds or under the provisions of "The Ontario Tile Drainage Act," passed in the forty-first year of Her Majesty's reign, and chaptered nine, or under the provisions of "The Ontario Stone and Timber Drainage Act," passed in the forty-second year of Her Majesty's reign, and chaptered eight, such ditch or outlet shall be constructed under the provisions of the Revised Statute respecting Ditching Water Courses, as amended, and the proportion of the cost of the construction and maintenance of said ditch or outlet to be borne by the persons severally benefited thereby shall be determined under the provisions of the said Act.

Powers of village and town councils.

2. All the provisions of the said "Ontario Tile Drainage Act" and of the said "Ontario Stone and Timber Drainage Act" respecting township councils are hereby extended to, and conferred on, village and town councils.

No. 90.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting Tile, Stone, or Timber Drainage.

1st Reading, 23rd January, 1880.

Mr. HAY.

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET.

No. 90.] BILL. [1880.

An Act respecting Tile, Stone, or Timber Drainage.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Ditches or outlets, how made.

1. When it is necessary that a ditch should be made as an outlet to any underdrainage, made either by private funds or under the provisions of "The Ontario Tile Drainage Act," passed in the forty-first year of Her Majesty's reign, and chaptered nine, or under the provisions of "The Ontario Stone and Timber Drainage Act," passed in the forty-second year of Her Majesty's reign, and chaptered eight, such ditch or outlet, whether covered or open, shall be constructed under the provisions of the Revised Statute respecting Ditching Water-courses, as amended, and the proportion of the cost of the construction and maintenance of said ditch or outlet to be borne by the persons severally benefited thereby shall be determined under the provisions of the said last mentioned Act, and all the provisions of the said last mentioned Act shall, so far as applicable, apply to proceedings under this Act.

Powers of village and town councils.

2. All the provisions of the said "Ontario Tile Drainage Act" and of the said "Ontario Stone and Timber Drainage Act" respecting township councils are hereby extended to, and conferred on, village and town councils.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting Tile, Stone, or Timber Drainage.

(Reprinted as Amended.)

1st Reading, 23rd January, 1880.
2nd " 9th February, 1880.

Mr. HAY.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 91.] BILL. [1880.

An Act to amend the Act respecting Land Surveyors and the Survey of Lands.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section three of the Revised Statute, chapter one hundred and forty-six, respecting land surveyors and the survey of lands, is hereby amended by striking out the words "the Director of the Geological Survey," and substituting therefor the words "the Professor of Mineralogy and Geology in University College, Toronto." Sec. 3 of R. S. O. c. 146 amended.

2. Section twelve of the said Act, and sub-section two of said section twelve are hereby repealed, and the following section and subsections are substituted therefor :— Sec. 12 repealed.

3. Any person who has followed a regular course of study in all the branches of education required by law for final admission as a land surveyor, through the regular sessions for at least two years in any university of the Province, or in McGill University, in the City of Montreal in the Province of Quebec, wherein there is organized a complete course of instruction, practical as well as theoretical, in civil engineering, natural philosophy, geology, and other branches of education required by law for such admission as a land surveyor, and who has thereupon received from such university, after due examination, a degree or diploma of qualification as a civil engineer and land surveyor, may, after having passed the preliminary examination hereinbefore required for admission to apprenticeship with a land surveyor, be received as an apprentice by any land surveyor, and shall thereupon be only holden to serve as such apprentice during twelve successive months of actual service, or if he has passed through such university course of study in less time than two full years, then for such time of actual service as, with the period spent by him in such university course of study, suffices to make up the full time of three years ; The case of persons who have received university degrees or diplomas as engineers or land surveyors

(1) Any person who has followed a regular course of study at the Ontario School of Practical Science in the subjects of drawing, surveying and levelling, and geodesy and practical astronomy, and who has thereupon received, after due examination, a certificate of having passed one session, two sessions, or three sessions, as the case may be, in the study of the aforesaid subjects, may, after having passed the preliminary examination hereinbefore required for admission to apprenticeship with a land surveyor, be received as an apprentice by any practising land surveyor, and shall thereupon, if he has received a certifi- Case of persons who have studied at School of Practical Science.

cate of having passed three sessions in the study of the said subjects, be only holden to serve as such apprentice during twelve successive months of actual service; or, in case he has only received a certificate of having passed only one or two sessions, as the case may be, in the study of the said subjects, then, for such time of actual service as, with the period spent by him at such session or sessions, suffices to make up the full time of three years;

Apprenticeship.

(2) After such actual service such person shall, subject to the other provisions of this Act, have the same right to present himself for and to undergo the examination required by law, and, if found qualified, then to be admitted to practice as a land surveyor as if he had served the full three years' apprenticeship otherwise required by law.

Admissions to practice.

Admission of Dominion land surveyors.

4. In case a Dominion land surveyor under the Dominion Lands Act, applies for a commission as a land surveyor of this Province, if the Board of Examiners for the time being are of opinion that the qualifications required of a surveyor of Dominion lands, at the time of the commission having been granted to such surveyor under the Dominion Lands Act, were sufficiently similar to those set forth in the said Revised Statute, such surveyor shall be entitled to a certificate of admission as a land surveyor of this Province, without being subjected to any examination except as regards the system of survey of lands in Ontario.

No. 91.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the Act respecting Land Surveyors and the Survey of Lands.

First Reading, 26th January, 1880.

Mr. PARDEE.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 92.] BILL. [1880.

An Act to amend the Free Grants and Homesteads Act.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section seven of the said Act is hereby repealed, and the following substituted therefor :— Sec. 7 of R. S. O., c. 24, repealed.

2. Before any person is located for any land as aforesaid such person shall make an affidavit, to be deposited with the agent authorized to make such location, stating that he or she has not been located for any land under this Act or under said regulations, and that he or she is of the age of eighteen years or upwards (and in the case of a female that she is the sole head of a family having children under eighteen years of age residing with her) and believes the land for which he or she applies, or desires to be located, is suited for settlement and cultivation, and is not valuable chiefly for its mines, minerals or pine timber, and that such location is desired for his or her benefit, and for the purpose of actual settlement and cultivation of such land, and not either directly or indirectly for the use or benefit of any other person or persons whomsoever, nor for the purpose of obtaining, possessing or disposing of any of the pine trees growing or being on the said land, or any benefit or advantage therefrom, or any gold, silver, copper, lead, iron or other mines or minerals, or any quarry or bed of stone, marble or gypsum thereon. Affidavit of person desiring location.

3. Section ten and sub-section two of said section ten of the said Act are hereby repealed and the following section substituted therefor :— Sec. 10 repealed.

4. All pine trees growing or being upon any land located or sold within the limits of the Free Grant territory after the passing of this Act, and all gold, silver, copper, lead, iron or other mines or minerals shall be considered as reserved from said location, and shall be the property of Her Majesty, except that the locatee, or purchaser, or those claiming under them, may cut and use such pine trees as may be necessary for the purpose of building and fencing on the land so located, and may also cut and dispose of all trees required to be removed in the actual clearing of said land for cultivation, but no pine trees (except for the necessary building and fencing as aforesaid) shall be cut beyond the limit of such actual clearing ; and all pine trees cut in the process of clearing, and disposed of, shall be subject to the payment of the same dues as are at the time payable by the holders of licenses to cut timber or saw-logs. Reservation of timber and mines.

Reservation in patents.

5. The patents for all lands hereafter located or sold as aforesaid, shall contain a reservation of all pine trees standing or being on said lands, which pine trees shall continue to be the property of Her Majesty; and any person or persons now or hereafter holding a license to cut timber or saw-logs on such lands, may at all times during the continuance of such license enter upon the uncleared portion of any such lands, and cut and remove such trees and make all necessary roads for that purpose, and for the purpose of hauling in supplies, but the patentees or those claiming under them may cut and use such trees as may be necessary for the purpose of building and fencing on the lands so patented, and may also cut and dispose of all trees required to be removed in actually clearing the said land for cultivation, but no pine trees (except for the said necessary building and fencing shall be cut beyond the limit of such actual clearing; and all pine trees so cut and disposed of (except for the said necessary building and fencing as aforesaid) shall be subject to the payment of the same dues as are at the time payable by the holders of licenses to cut timber or saw-logs.

No. 92.

1st Session, 4th Parliament, 43 Vic., 1880.

BILL.

An Act to amend the Free Grants and Homesteads Act.

1st Reading, 26th January, 1880.

Mr. Pardee.

TORONTO:
Printed by C. Blackett Robinson.

No. 93.] **BILL.** [1880

An Act to amend the Act respecting the sale and management of Public Lands.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Reservation of pine trees to be expressed in patents.

1. Where public lands are hereafter sold, subject to the condition that the pine trees thereon are reserved from such sale, the patent therefor when issued shall contain such reservation.

Right of licensee to enter upon uncleared land.

Right of patentee to cut timber.

2. Any person now or hereafter holding a license to cut timber or saw-logs on such lands, may at all times during the continuance of such license enter upon the uncleared portion of any such lands, and cut and remove such trees and make all necessary roads thereon for that purpose, and for the purpose of hauling in supplies, but the purchasers or patentees or those claiming under them may cut and use such trees as may be necessary for the purpose of building and fencing on the land so patented, and may also cut and dispose of all trees required to be removed in actually clearing the said land for cultivation, but no pine trees (except for the said necessary building and fencing) shall be cut beyond the limit of such actual clearing, and all pine trees cut in the process of clearing and disposed of shall be subject to the payment of the same dues as are at the time payable by the holders of licenses to cut timber or saw-logs.

No. 93.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the Act respecting the sale and management of Public Lands.

1st Reading, 26th January, 1880.

Mr. PARDEE.

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET.

No. 94.] **BILL.** [1880.

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section twelve of section four hundred and sixty-one of said Act is hereby repealed, and the following is substituted for said sub-section twelve: Sub-s. 12 of s. 461 of R. S. O., c. 174, repealed.

(12) For settling the height and description of lawful fences, and on all highways requiring protection from snow drifts, the councils of such city, town, village or township municipalities shall, on petition of not less than twenty ratepayers interested therein, pass by-laws regulating and settling the height, description, manner of maintaining, keeping up and laying down such fences along such highways, or any parts thereof, and for making compensation from the funds of the municipality for the increased expense, if any, to persons required to build, maintain, keep up, or lay down such last mentioned fences, or any part thereof. Fences. Snow-fences, how maintained.

2. The foregoing provisions as to snow fences shall be applicable to all highways under the jurisdiction of county councils, and in such cases the petition shall be addressed to the county council. County roads and county councils.

3. Sections four hundred and ninety-two, four hundred and ninety-four and four hundred and ninety-five are hereby amended by adding thereto the following words: Provided that the approaches for sixty feet at each end of all county bridges, or bridges assumed by county councils, shall be constructed, kept up and maintained at the expense of such county councils. Ss. 492, 494 and 495 amended.

No. 94.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the Municipal Act.

1st Reading, 26th January, 1880.

Mr. HAY.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON

No. 95.] BILL. [1880.

An Act to amend the Act to prevent the spreading of Canada Thistles.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Sec. 3 of R. S. O., c. 188, amended.

1. Section three of Chapter one hundred and eighty-eight of the Revised Statutes is hereby amended by adding thereto the words:—Provided that such notice shall be given not later than the twenty-fifth day of June.

Sub-s. 3 of sec. 3 repealed.

2. Sub-section three of section three of said Act is hereby repealed, and the following is substituted for said sub-section three:—

Right to enter on lands sown with grain.

Non-resident lands.

(3) Such Overseer of Highways shall have power to enter upon or cut thistles on any land sown with grain, except on land sown with fall wheat: and when such Canada thistles are growing upon non-resident lands, it shall not be necessary to give notice before proceeding to cut down the same.

Sec. 2 of R. S. O., c. 188, amended.

3. Section two of said Act is hereby amended by striking out all the words after the word "municipality" in the second line to the word "officers" in the third line.

Sec. 12 repealed.

4. Section twelve of said Act is hereby repealed, and the following is substituted for said section twelve:—

Councils to authorize carrying out of Act.

5. All municipal corporations of Ontario shall authorize the carrying out of the provisions of this Act.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the Act to prevent the spreading of Canada Thistles.

1st Reading, 26th January, 1880.

Mr. HAY.

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET.

No. 95.] BILL. [1880.

An Act to prevent the Spreading of Canada Thistles.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section two of Chapter one hundred and eighty-eight of the Revised Statutes of Ontario is amended by striking out all the words after the word "municipality" in the second line of the said section to the word "officers" in the third line of the said section R. S. O., c. 188, s. 2, amended.

2. Section three of the said Act is amended by adding thereto the words "and it shall be the duty of such overseer to give such notice not later than the twenty-fifth day of June." Sec. 3 amended.

3. Section twelve of the said Act is hereby repealed. Sec. 12 repealed.

No. 95.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to prevent the Spreading of Canada Thistles.

(Reprinted as Amended.)

First Reading 26th January, 1880.
Second " 2nd February, 1880.

Mr. HAY.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 96.] BILL. [1880.

An Act to amend the Railway Act of Ontario.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to make roads across railways.

1. The council of the municipal corporation of every county, city, town, township or incorporated village, shall have power, within its jurisdiction, to open, make, widen, alter, divert, stop-up or carry any road or street across any railway, and to pass by-laws for such purpose, subject to the provisions of the Municipal Act.

Power to apply where limits of municipality extended.

2. The powers given by the preceding section shall extend to cases where, by extension hereafter of the limits of the municipality, the railway to be crossed comes within such limits, as well as to cases where the railway now is within the limits of any such municipality.

No. 96.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the Railway Act of Ontario.

First Reading, 26th January, 1880.

Mr.. HAY.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 97.] BILL. [1880:

An Act respecting County Public School Inspectors.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

County Inspectors not to take part in elections.

1. County Public School Inspectors shall be subject to dismissal by the county council appointing them or by the Lieutenant-Governor in Council, in case it is proved to their satisfaction respectively that such inspector has taken part in any election of a member of the House of Commons of Canada or of the Legislative Assembly of Ontario; and any County Inspector who allows himself to be nominated, or becomes a candidate for any municipal office or for election to the Legislative Assembly of Ontario or the House of Commons of Canada, shall forfeit his office of County Inspector, and it shall thereupon be the duty of the county council to proceed to appoint another County Inspector in his place.

No. 97.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting County Public School Inspectors.

1st Reading, 27th January, 1880.

Mr. BALLANTYNE.

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET

No. 98.] BILL. [1880.

An Act respecting the debenture debt of the City of Guelph.

Preamble. WHEREAS, the corporation of the city of Guelph have by petition represented that the said city has a debenture debt of two hundred and sixty-nine thousand nine hundred and nineteen dollars, and that portions of the said debenture debt fall due during the present and several succeeding years, and that it will be for the interest of the said corporation to have power from time to time to borrow money on new debentures to retire or pay off three-fourths of the present debenture debts as they mature, until the whole of the present debenture debt shall have been reduced to two hundred and fifty thousand dollars, and thereafter to issue new debentures to renew or retire such last mentioned amount, and have prayed for an Act conferring on them all necessary powers; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of debentures. 1. The corporation of the city of Guelph are hereby empowered to pass a by-law or by-laws from time to time to issue debentures for the purpose of retiring or renewing debentures now outstanding against the said city, such debentures to be in such sum or sums and to such amounts either in Canadian or sterling currency as they may deem best: Provided that such by-law or by-laws are not inconsistent with the provisions of the general Municipal Law from time to time in force in the said Province: and provided that the said city shall not until the principal money of the debentures now outstanding, or debentures issued to retire the same, shall be reduced to two hundred and fifty thousand dollars, be at liberty to issue debentures under this Act for more than three-fourths of the amount required to redeem outstanding debentures as the same mature: and also provided that it shall not be necessary to obtain the assent of the electors of the said city to the passing of any such by-law as aforesaid, nor of the Lieutenant-Governor in Council under any municipal or other Act now or hereafter to be in force in this Province.

Proviso.

Proviso.

Proviso.

No. 98.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting the debenture debt of the City of Guelph.

1st Reading, 28th January, 1880.

(PRIVATE BILL.)

Mr. LAIDLAW.

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET.

No. 98.] **BILL.** [1880.

An Act respecting the debenture debt of the City of Guelph.

Preamble

WHEREAS the corporation of the city of Guelph has an outstanding debenture debt of more than two hundred and sixty thousand dollars, portions whereof fall due during the present and the two next succeeding years; and whereas an aggregate rate of two cents in the dollar on the whole of the ratable property within said city will not in any of such years be sufficient to meet the current annual expenses of said city and such portion of the said debenture debt as will become due in such year; and whereas the amount of such debt and expenses which said aggregate rate will not be sufficient to meet as aforesaid will be (as nearly as may be) about ten thousand dollars; and whereas the said corporation has prayed that an Act be passed to empower the said corporation in each of the said years to borrow on new debentures such amount as may be reasonable to meet a portion of the said outstanding debentures maturing and to become due as aforesaid in the said years; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Authority to issue debentures.

1. The corporation of the city of Guelph may from time to time during the years one thousand eight hundred and eighty, one thousand eight hundred and eighty-one, and one thousand eight hundred and eighty-two pass by-laws authorizing the issue of new debentures of the said city for an amount not exceeding in any one such year the sum of ten thousand dollars, for the purpose of retiring or renewing a portion of the debentures now outstanding against the said city and falling due within the year in which such new debentures may be issued as aforesaid; and such new debentures to be issued as aforesaid under said by-laws may be in such sums and to such amounts, either in Canadian or sterling currency, as said corporation may deem best: Provided always that such by-laws shall be in conformity and shall comply with the provisions of "the Municipal Act" and of the general municipal law from time to time in force in this Province, except that it shall not be necessary to obtain the assent of the electors of the said city to the passing of any such by-law as aforesaid, nor of the Lieutenant-Governor in Council, either under "The Municipal Act" or any other general Act now or hereafter to be in force in this Province: and provided further that the said new debentures so to be issued as aforesaid under said by-laws, and all moneys arising therefrom shall to the full extent thereof be applied only to retire and redeem the said outstanding debentures so maturing and becoming due as aforesaid in the said years.

Proviso.

Proviso.

No. 98.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting the debenture debt of the City of Guelph.

(Reprinted as amended.)

1st Reading, 28th January, 1880.

(PRIVATE BILL.)

Mr. Laidlaw.

TORONTO:
Printed by C. Blackett Robinson.

No. 98.] BILL. [1880.

An Act respecting the debenture debt of the City of Guelph.

WHEREAS the corporation of the city of Guelph has an outstanding debenture debt of more than two hundred and sixty thousand dollars, portions whereof fall due during the present and the two next succeeding years; and whereas an aggregate rate of two cents in the dollar on the whole of the ratable property within said city will not in any of such years be sufficient to meet the current annual expenses of said city and such portion of the said debenture debt as will become due in such year; and whereas the amount of such debt and expenses which said aggregate rate will not be sufficient to meet as aforesaid will be (as nearly as may be) about ten thousand dollars; and whereas the said corporation has prayed that an Act be passed to empower the said corporation in each of the said years to borrow on new debentures such amount as may be reasonable to meet a portion of the said outstanding debentures maturing and to become due as aforesaid in the said years; and whereas it is expedient to grant the prayer of the said petition: Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *Subject to section two of this Act* the corporation of the city of Guelph may from time to time during the years one thousand eight hundred and eighty, one thousand eight hundred and eighty-one, and one thousand eight hundred and eighty-two pass by-laws authorizing the issue of new debentures of the said city for an amount not exceeding in any one such year the sum of ten thousand dollars, for the purpose of retiring or renewing a portion of the debentures now outstanding against the said city and falling due within the year in which such new debentures may be issued as aforesaid; and such new debentures to be issued as aforesaid under said by-laws may be in such sums and to such amounts, either in Canadian or sterling currency, as said corporation may deem best: Provided always that such by-laws shall be in conformity and shall comply with the provisions of "the Municipal Act" and of the general municipal law from time to time in force in this Province, except that it shall not be necessary to obtain the assent of the electors of the said city to the passing of any such by-law as aforesaid, nor of the Lieutenant-Governor in Council, either under "The Municipal Act" or any other general Act now or hereafter to be in force in this Province: and provided further that *subject as aforesaid* the said new debentures so to be issued as aforesaid under said by-laws, Authority to issue debentures. Proviso. Proviso.

and all moneys arising therefrom shall to the full extent thereof be applied only to retire and redeem the said outstanding debentures so maturing and becoming due as aforesaid in the said years.

Proviso as to outstanding school debentures.

2. Notwithstanding anything in this Act contained all of the said now outstanding debentures which are public school debentures, or which have been issued for public school purposes, or which are debentures for or towards the payment of which the supporters of separate schools or their property in the said city of Guelph are not now liable or compellable to be rated or assessed, shall be provided for, retired and paid in all respects as if this Act had not been passed.

No. 98.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting the debenture debt of the City of Guelph.

(Reprinted as Amended.)

First Reading, 28th January, 1880.

Second " 18th February, 1880.

(PRIVATE BILL.)

Mr. LAIDLAW.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

No. 99.] BILL. [1880.

An Act to amend the Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section twenty of section six of "The Assessment Act" is hereby amended by striking out the words "on account of such property" in the second and third lines thereof. R. S. O., c. 180, s. 6, sub-s 20, amended.

No. 99.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend "The Assessment Act."

1st Reading, 2nd February, 1880.

Mr. CALVIN.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 100.] BILL. [1880.

An Act to amend the law for the protection of Game and Fur-bearing Animals.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

41 Vic., c. 18, s. 14, repealed.

1. Section fourteen of the Act passed in the forty-first year of Her Majesty's reign, intituled "An Act to amend the law for the Protection of Game and Fur-bearing Animals," and chaptered eighteen, is hereby repealed and the following substituted therefor:—

Hunting with dogs forbidden.

(14) It shall not be lawful for any person to hunt deer with dogs; and any dogs may be shot, while in the act of running after deer, by any person without such person thereby incurring any liability.

No. 100.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the law for the protection of Game and Fur-bearing Animals.

1st Reading, 2nd February, 1880.

Mr. CALDWELL.

TORONTO:
PRINTED BY G. B. ROBINSON, JORDAN STREET.

No. 101.] BILL. [1880.

An Act to extend the jurisdiction of the Division Courts, and to regulate the offices of the said Courts.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "the Division Courts Act, 1880."

NEW JURISDICTION.

Jurisdiction extended.

2. The jurisdiction of the Division Courts is hereby extended by adding to the fifty-fourth section of the Division Courts Act, Revised Statutes of Ontario, chapter forty-five, the following subsection after the word "dollars" in the second subsection of the said fifty-fourth section:

(3) All claims for the recovery of a debt or money demand, the amount or balance of which does not exceed two hundred dollars, and the amount or original amount of the claim is ascertained by the signature of the defendant or of the person whom, as executor or administrator, the defendant represents;

(2) But where the amount in dispute exceeds one hundred dollars there shall be an appeal as heretofore, subject to the provisions of this Act in that behalf.

3. The word "forty," where it occurs in the first sub-section of the said fifty-fourth section, and in the fifty-sixth section of the said Division Courts Act, is hereby repealed, and the word "sixty" is substituted therefor.

Order in which suits to be tried.

4. The clerk shall place all suits in which the sum sought to be recovered exceeds one hundred dollars, at the foot of the trial list, and the other suits on the list and business of the court shall be disposed of before entering upon the trial of any of such first mentioned suits, unless the judge shall, for special reason or reasons, otherwise order.

Security by clerks and bailiffs.

5. The judge shall require such additional security to be given by the clerks and bailiffs of the Division Courts within his county as shall, in his opinion, afford sufficient security to any and all persons being parties in any legal proceedings in the said court, having regard to the increased jurisdiction by this Act conferred, and the increased business in the courts

Place of trial.

6. Where the debt or money payable exceeds one hundred dollars, and is made payable by the contract of the parties at

any place named therein, the action may be brought thereon in the division in which such place of payment is situate, subject however to the place of trial being changed to the Division Court of the Division in which a defendant resided or carried on business at the time the action was brought.

(2) To procure such change an order to that effect is to be obtained by the defendant from the judge of the county in which the action is brought;

(3) The application for the order is to be made within six days from the day on which the defendant who makes the application was served with the summons;

(4) The application is to be on an affidavit that the defendant intends to defend the suit, that he has a good defence upon the merits, and that the witnesses for the defence, or some of them, reside within the division in which the defendants, or one of them, resided or carried on business, at the time the action was brought, and that such application is not made for the purpose of delay; the date of the then next two sittings of the court to which he seeks to have the cause transferred is also to be shewn;

(5) The affidavit must be by the defendants, or one of them, or by their or his attorney or agent in case satisfactory reasons are given why the affidavit is not made by a defendant;

(6) The order shall direct at what sittings of the court the suit shall be tried, subject to all rights of postponement as in other cases, and shall be attached to the summons and other proceedings in the suit by the clerk, who shall forthwith transmit the same to the clerk of the court in which the suit is by such order directed to be tried, and shall enter a minute thereof in his procedure book;

(7) Upon receipt of such order and other papers by the clerk of such last mentioned court, he shall enter the suit and proceedings in his procedure book;

(8) All the papers and proceedings in the cause thereafter, shall be entitled and had and carried on as though the suit had originally been entered in the said last mentioned court;

(9) It shall be the duty of the defendant obtaining the order forthwith to serve, or cause to be served, a copy of the same upon the plaintiff or his agent in the same manner as summonses are required to be served under the Division Courts Act.

Trial may by consent be in any division.

7. Notwithstanding anything in the Division Courts Act contained, any suit within the jurisdiction of the Division Court may be entered, tried and finally disposed of by the consent of all parties in any division of said court.

Place of trial in suits against clerk or bailiff.

8. Notwithstanding anything in the Division Courts Act contained, any clerk or bailiff of a Division Court may be sued in the court of an adjoining county, the place of sitting whereof is nearest to the residence of the defendant without the county in which he holds his office as such clerk or bailiff.

Costs.

9. Where in a contested case for more than one hundred dollars, an attorney has been employed by the successful party in the conduct of the cause or defence, the judge may, in his discretion, direct a fee of five dollars, to be increased according to the difficulty and importance of the case, to a sum not exceeding ten dollars to be taxed to the successful party, and the same, when so allowed, shall be taxed by the clerk and added to the other costs.

APPEALS IN SUCH CASES.

10. In case any party to a cause, wherein the claim exceeds one hundred dollars exclusive of costs, is dissatisfied with the decision of the judge, upon an application for a new trial, he may appeal to the Court of Appeal, and, in such case, the proceedings in and about the appeal, and the giving and perfecting of the security, shall be the same as an appeal from the County Court, except where otherwise provided by this Act, and the terms "party to a cause" and "appellant" in this section and hereafter used, shall have the meaning attached thereto in and by section thirty-four of the County Courts Act. (Sec. 35 C. C. Act, p. 435 R. S. O., sec. 107 D. C. Act.) Appeal.

11. Any judge of the County Court of the county in which the cause was tried, on the application of the person proposing to appeal, his counsel, attorney or agent, shall stay the proceedings in the cause, for a time not exceeding ten days, in order to afford the party time to give the security required to enable him to appeal. (*See* sec. 36 C. C. Act.) Stay of proceedings.

12. Upon any application for a new trial, each party to the suit shall leave with the judge by whom the application is heard, a memorandum in writing of the name of some person resident within the county town of the county or united counties in which the cause was tried, with his place of abode upon whom the notice of appeal and all other papers thereafter requiring service, may be served for him, and service upon such person, or, in his absence, at his place of abode, shall be sufficient service thereof; and, in the event of failure to leave such memorandum by either party, all papers requiring service upon him may be served upon the Clerk of the Division Court where the suit was tried, or left at his office, for the person so failing to leave such memorandum, and such service shall be good service. The clerk shall, in such case, forthwith mail all such papers so served upon him to the person entitled to the same. Agent for service.

13. Upon the bond being approved by the judge, or the deposit being paid into court, the clerk of the court in which the suit is pending, shall, at the request of the appellant, his counsel, attorney, or agent, furnish a duly certified copy of the summons with all notices endorsed thereon, the claim, and any notice or notices of defence, and of the evidence and all objections and exceptions thereto, and of all motions or orders made, granted, or refused therein, together with such notes of the judge's charge as have been made, the judgment or decision when in writing, or the notes thereof, and all affidavits filed or used in the cause, together with all other papers filed in the cause affecting the questions raised by the appeal. The clerk shall also furnish to the respondent, when required so to do, a duplicate copy of the proceedings so furnished to the appellant, or such portion thereof as may be required by him, and for every copy he shall be entitled to receive the sum of five cents per folio of one hundred words. (*See* sec. 41 C. C. Act.) Evidence, &c., to be certified.

14. The appellant shall within two weeks after the approval of the security or deposit being paid into court, or at such other time as the judge of the said County Court may by order Setting down appeals.

in that behalf provide, file the said certified copy with the registrar of the Court of Appeal, and shall thereupon forthwith set down the cause for argument before a judge of the said Court of Appeal, and shall forthwith give notice thereof, and of the appeal, and of the grounds thereof, to the respondent, his counsel, attorney or agent, at least seven days before the day for which the same is set down for hearing, and the said appeal shall be heard and disposed of by a single judge of the Court of Appeal, and he shall have power to dismiss the appeal or give any judgment and make any order which ought to have been made, and he shall give such order or direction to the court below touching the decision or judgment to be given in the matter as the law requires, and shall also award costs to the party in his discretion, which costs shall be certified to and form part of the judgment of the court below, and upon receipt of such order, direction and certificate, the court below shall proceed in accordance therewith. (*See* sec. 42 C. C. Act

Hearing.

Costs.

Taxable costs.] **15**. The costs taxable, as between party and party, upon or connected with any appeal shall be the actual disbursements, and no greater amount over and above actual disbursements than fifteen dollars, inclusive of counsel fee. Section fifty-five of the Court of Appeals Act shall not apply to appeals made under this Act.

INSPECTOR OF DIVISION COURTS AND HIS DUTIES.

Appointment of Inspector and his duties.

16. The Lieutenant-Governor may, from time to time, appoint an Inspector of Division Courts, who shall hold office during pleasure, and whose duty shall be,

Inspection of offices.

(1) To make a personal inspection of each Division Court and of the books and court papers belonging thereto;

Books, etc.

(2) To see that the proper books are provided, that they are in good order and condition, that the proper entries and records are made therein in a proper manner, at proper times, and in a proper form and order, and that the court papers and documents are properly classified and preserved;

Officers' duties.

(3) To ascertain that the duties of the officers of the Division Courts are duly and efficiently performed, and that the office is at all times duly attended to by the clerk;

Officers' fees.

(4) To see that lawful fees only are taxed or allowed as costs;

Security by Clerks and Bailiffs.

(5) To ascertain that proper security has been given by the clerks and bailiffs, and that the sureties continue sufficient;

Reporting to the Lieutenant-Governor.

(6) To report upon all such matters as expeditiously as may be to the Lieutenant-Governor for his information and decision.

Power of Inspector in making inquiry into conduct of officers.

17. When the said inspector considers it expedient to institute an inquiry into the conduct of any Division Court clerk or bailiff in relation to his or their official duties or acts, it shall be lawful for the said inspector to require such clerk or bailiff, or other person or persons, to give evidence on oath, and for this purpose the said inspector shall have the same power, to summon such officers to attend as witnesses, to enforce their attendance and to compel them to produce books and documents, and to give evidence, as any court has in civil cases.

18. A salary, not exceeding *fourteen hundred dollars* per annum, shall be paid to the inspector, and such actual and necessary travelling and other expenses as shall be from time to time voted by the Legislature, and shall be payable out of the Consolidated Revenue Fund for the Province of Ontario. Inspector's salary.

19. The Division Court clerks and bailiffs shall, as often as required by the said inspector, produce all books and documents required to be kept by them, or that may hereafter be required to be kept by them, at the clerk's office, for examination and inspection. Books, etc., to be produced for inspection.

20. It shall be the duty of every Division Court clerk or bailiff, within five days after his appointment to office, to inform the inspector of his appointment, his full name and post office address, the names of his sureties, their respective callings or professions, places of residence, and post office address. Officers to inform Inspector of their appointment etc.

21. When any clerk or bailiff has given new sureties, as required by the Division Courts Act, he shall immediately inform the said inspector of such change, giving the names of the sureties, their respective callings or professions, places of residence, and post office address. Inspector to be informed of new sureties.

22. Every Division Court clerk and bailiff shall have and keep in his possession or custody the certificate of the clerk of the peace named in the twenty-eighth section of the Division Courts Act, and shall produce the same for the information of the inspector when required so to do. Officers to produce certificate of filing covenant, etc.

23. Every Division Court clerk shall make a return to the inspector, on the thirty-first day of December in each year, of the business of his office, in such form and manner as the Lieutenant-Governor, by Order in Council, shall direct. Clerks to make returns.

APPOINTMENT AND DISMISSAL OF CLERK AND BAILIFFS.

24. The Lieutenant-Governor may, upon the report of the inspector, dismiss from office any Division Court clerk or bailiff for misconduct or incompetency, and no clerk or bailiff so dismissed shall thereafter be appointed to any office in any Division Court, unless the approval of the Lieutenant-Governor to such appointment is first obtained. Dismissal of clerks and bailiffs.

25. The Lieutenant-Governor shall upon a vacancy occuring, appoint, during pleasure, the clerk and bailiff of any Division Court for a division embracing within the limits thereof a city, town, or incorporated village, or any part thereof. The Lieutenant-Governor shall appoint clerks and bailiffs of certain courts.

26. Nothing in this Act contained shall relieve the county judge from the responsibility of seeing that the officers of his court perform their duties, or from examining into complaints which may be made against them, or from the duties imposed upon him by the said Act in reference to the security to be given by clerks and bailiffs. Duty of County Court Judges not affected.

27. The twenty-fifth section of the Division Courts Act is amended by striking out the words "County Court clerk or" in the first line thereof. R. S. O., c. 47, s. 25, amended.

S. 26 repealed.

28. The twenty-sixth section of the Division Courts Act is hereby repealed, and the following substituted therefor:—

Appointment of clerks and bailiffs.

(26.) Unless when such appointments may be made by the Lieutenant-Governor by virtue of this Act, the judge shall from time to time appoint Division Court clerks and bailiffs, and may at his pleasure remove any clerk or bailiff, unless when such clerk or bailiff has been appointed by the Lieutenant-Governor.

HOLDINGS OF COURTS.

Holding courts in cities.

29. For and notwithstanding anything contained in chapter forty-seven of the Revised Statutes of Ontario, or any amendment thereof, or any of the general rules in force in the Division Courts of this Province, the senior or the acting county judge may in his discretion, in any city in which two Division Courts are established or held, appoint and hold all or any of the sittings of both of such Courts in any of such Divisions.

Returns by judges.

30. Every judge of a county court shall make a return to the Provincial Secretary on or before the fifteenth day of January in every year, shewing the number of judgment debtors who, during the twelve months ending the thirty-first December previously were ordered to be committed under each of the five heads mentioned in the one hundred and eighty-second section of the Division Courts Act.

JURIES.

R. S. O. c. 47, s. 112 amended.

31. The one hundred and twelfth section of the Division Courts Act is hereby amended by inserting after the word "beginning," in the fourth line thereof, the words "at the first selection after this Act comes into force," and by adding to said section the following:

In case it shall not be necessary to summons all the persons on the roll or rolls entitled to be summoned in any one year, the clerk shall, at the end of each year, so certify on the roll, and shall state in such certificate the number of persons summoned during the year, and at what number on the roll he left off; and, in summoning persons for the next year, he shall begin with the next number on the roll as nearly as he conveniently can; and so on from year to year until all the rolls have been gone through.

Fees.

32. There shall be paid to the clerk of the Division Court, in addition to all costs or jury fees now by law payable, on every suit entered where the claim does not exceed forty dollars, two cents; where the claim exceeds forty dollars, but does not exceed one hundred dollars, five cents; and where the claim exceeds one hundred dollars, ten cents; and the same shall be taxed and allowed as costs in the cause; and, on or before the fifteenth day of January in each year, every clerk shall return to the treasurer of the county a statement, under oath shewing the number of suits entered in his court during the year previous, in which the claim did not exceed forty dollars; the number in which the claim exceeded forty dollars, but did not exceed one hundred dollars; and the number in which the claim exceeded one hundred dollars; and he

shall, with such statement, pay over to such treasurer the sum of two cents on each suit so entered where the claim did not exceed forty dollars; the sum of five cents on each suit where the claim exceeded forty dollars, but did not exceed one hundred dollars; and the sum of ten cents on each suit where the claim exceeded one hundred dollars; and such treasurer shall keep an account of all such moneys so received by him under the head of "Division Court Jury Fund."

Fees of jurors.

32. The clerk of every Division Court shall pay to each person who has been summoned as a juror, and who attends during the sittings of the court for which he has been summoned, and who does not attend as a witness in any cause, or as a litigant in his own behalf, the sum of one dollar; and having so paid the same, the presiding judge shall so certify to the treasurer of the county, and shall deliver such certificate to the clerk, and the treasurer of the county shall, upon the presentation of such certificate to him, pay to the clerk, or his order, the amount which the clerk appears, by such certifiate, to have paid the jurors as aforesaid.

No. 101.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to extend the jurisdiction of the Division Courts, and to regulate the offices of the said Courts.

1st Reading, 3rd February, 1880.

Mr. HARDY.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 101.] BILL. [1880.

An Act to extend the jurisdiction, and to regulate the offices of Division Courts.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "the Division Courts Act, 1880."

NEW JURISDICTION.

Jurisdiction extended.

2. The jurisdiction of the Division Courts is hereby extended by adding to the fifty-fourth section of the Division Courts Act, Revised Statutes of Ontario, chapter forty-seven the following subsection after the word "dollars" in the second subsection of the said fifty-fourth section:

(3) All claims for the recovery of a debt or money demand, the amount or balance of which does not exceed two hundred dollars, and the amount or original amount of the claim is ascertained by the signature of the defendant or of the person whom, as executor or administrator, the defendant represents;

(2) There shall be an appeal when the sum in dispute on such appeal—exclusive of costs—exceeds one hundred dollars, subject to the provisions of this Act.

R. S. O. c. 47, s.s. 54 and 56 amended.

3. The word "forty," where it occurs in the first sub-section of the said fifty-fourth section, and in the fifty-sixth section of the said Division Courts Act, is hereby repealed, and the word "sixty" is substituted therefor.

4. In the class of cases provided for by the second section of this Act, the increased jurisdiction conferred by the said second section shall apply to claims and proceedings against absconding debtors under section 190, and subsequent sections of the Division Courts Act; and in such cases the attachment may issue and proceedings may be had on a claim of not less than four dollars, and not more than two hundred dollars.

Order in which suits to be tried.

5. The clerk shall place all suits in which the sum sought to be recovered exceeds one hundred dollars, at the foot of the trial list, and the other suits on the list and business of the court shall be disposed of before entering upon the trial of any of such first mentioned suits, unless the judge shall, for special reason or reasons, otherwise order. The judge shall, in such cases, when no agreement not to appeal has been signed and filed, take down the evidence in writing, and shall leave

the same with the clerk of the court but in the event of an application for a new trial it shall be forwarded to the judge by the clerk for the purposes of such application.

6. No appeal shall lie to the Court of Appeal if before the Court opens, or if without the intervention of the judge before the commencement of the trial, there shall be filed with the clerk, in any case, an agreement in writing not to appeal, signed by both parties, or their attorneys or agents.

Security by clerks and bailiffs

7. The judge shall require such additional security to be given by the clerks and bailiffs of the Division Courts within his county as shall, in his opinion, afford sufficient security to any and all persons being parties in any legal proceedings in the said court, having regard to the increased jurisdiction by this Act conferred, and the increased business in the courts. Nothing in this Act contained shall release or discharge from liability in whole or in part any clerk or bailiff or any surety for any clerk or bailiff upon or by virtue of any bond or covenant heretofore given or entered into by such clerk or bailiff, or surety under the provisions of the Division Courts Act.

Place of trial,

8. Where the debt or money payable exceeds one hundred dollars, and is made payable by the contract of the parties at any place named therein, the action may be brought thereon in the court holden in the division in which such place of payment is situate, subject however to the place of trial being changed to any other division in which the court holden therein has jurisdiction in the particular case.

(2) To procure such change an order to that effect is to be obtained by the defendant from the judge of the county in which the action is brought;

(3) The application for the order is to be made within eight days from the day on which the defendant who makes the application was served with the summons; where the service is required to be ten days before the return, or within twelve days after the day of such service, where the service is required to be fifteen days or more before the return.

(4) The application is to be on an affidavit that the applicant intends to defend the suit, that he has a good defence upon the merits, that the cause of action did not wholly arise in the division in which the action is brought, and that the witnesses for the defence, or some of them, reside within the division in which the defendants, or one of them, resided or carried on business, at the time the action was brought, and that such application is not made for the purpose of delay; the date of the then next two sittings of the court to which he seeks to have the cause transferred is also to be shewn;

(5) The affidavit must be by the defendants, or one of them, or by their or his attorney or agent in case satisfactory reasons are given why the affidavit is not made by a defendant;

(6) The order shall direct at what sittings of the court the suit shall be tried, subject to all rights of postponement as in other cases, and shall be attached to the summons and other proceedings in the suit by the clerk, who shall forthwith transmit the same to the clerk of the court in which the suit is by such order directed to be tried, and shall enter a minute thereof in his procedure book;

(7) Upon receipt of such order and other papers by the clerk of such last mentioned court, he shall enter the suit and proceedings in his procedure book;

(8) All the papers and proceedings in the cause thereafter, shall be entitled and had and carried on as though the suit had originally been entered in the said last mentioned court;

(9) It shall be the duty of the defendant obtaining the order forthwith to serve, or cause to be served, a copy of the same upon the plaintiff or his agent in the same manner as summonses are required to be served under the Division Courts Act.

9. When the debt or money payable exceeds one hundred dollars, and is by the contract of the parties made payable at any place out of the Province of Ontario, the action may be brought thereon in any Division Court of the county in which an action may now be brought thereon in the county court, subject, however, to the place of trial being changed upon the application of one or more of the defendants as provided by the next preceding section.

10. Where the debt or money payable is forty dollars or over, and is made payable by the contract of the parties at any place named therein, and is not provided for by section eight of this Act, and where the defendant or defendants at the time of entering into the contract or thereafter so agree in writing, the action may be brought thereon in the court holden in the division in which such place of payment is situate, subject, however, to the place of trial being changed upon the application of one or more defendants as provided by the eighth section of this Act.

Trial may by consent be in any division.

11. Notwithstanding anything in the Division Courts Act contained, any suit within the jurisdiction of the Division Court may be entered, tried and finally disposed of by the consent of all parties in any division of said court.

12. If by mistake or inadvertence, a suit shall be entered in the wrong Division Court which might properly have been entered in some other Division Court of the same county, the cause shall not abate as for want of jurisdiction, but on such terms as the judge shall order, all the papers and proceedings in the cause shall be transferred to the proper Division Court, and shall become proceedings thereof as though the cause were at first properly entered therein, and the same shall be continued and carried on to the conclusion thereof as though the suit had originally been entered in the said last mentioned court.

13. When it is by this Act provided that a claim or suit may be entered, or an action brought, or that any person or persons may be sued in any Division Court, or that a suit may be transferred or changed to any other court, such court shall have jurisdiction in the premises, and all proceedings may be had and taken both before and after judgment in or relating to any such claim or cause as may now be had, and taken in or relating to any claim or cause which has been lawfully entered in the court holden for the division in which the cause of action arose, or in which the defendant or any one of several defendants resided or carried on business at the time the action was brought.

14. In all cases where a defendant, primary debtor or garnishee intends to contest the jurisdiction of any Division Court to hear or determine any cause, matter or thing in such court, he shall leave with the clerk of the court, within eight days after the day of service of the summons on him, (where the service is required to be ten days before the return,) or within twelve days after the day of such service, (where the service is required to be fifteen or twenty days before the return,) a notice to the effect that he disputes the jurisdiction of the court, and such clerk shall forthwith give notice thereof to the plaintiff, primary creditor, or their attorney or agents in the same way as notice of defence is now given, and in default of such notice disputing the jurisdiction of such court, the same shall be considered as established and determined, and all proceedings may thereafter be taken as fully and effectually as if the said suit or proceeding had been properly commenced, entered or taken in such court.

Place of trial in suits against clerk or bailiff.

15. Notwithstanding anything in the Division Courts Act contained, any clerk or bailiff of a Division Court may be sued in the court of an adjoining county, the place of sitting whereof is nearest to the residence of the defendant without the county in which he holds his office as such clerk or bailiff. And upon a transcript of any judgment which may be recovered against any clerk or bailiff in any such suit being sent to and received by the clerk of the court of any division adjoining the division for which the defendant was or is clerk or bailiff in the county in which the last named division is situate with a certificate of the amount due on such judgment as provided by the one hundred and sixty-first section of the Division Courts Act, such proceedings for enforcing and collecting the judgment by way of execution and otherwise may be had and taken in the Division Court to which such transcript has been so sent by the officers thereof as may be had or taken for the like purpose upon a judgment regularly recovered in any division court.

Costs.

16. Where in a contested case for more than one hundred dollars, a counsel or an attorney has been employed by the successful party in the conduct of the cause or defence, the judge may, in his discretion, direct a fee of five dollars, to be increased, according to the difficulty and importance of the case, to a sum not exceeding ten dollars, to be taxed to the successful party, and the same, when so allowed, shall be taxed by the clerk and added to the other costs.

APPEALS IN SUCH CASES.

Appeal.

17. In case any party to a cause, wherein the claim exceeds one hundred dollars exclusive of costs, is dissatisfied with the decision of the judge, upon an application for a new trial, he may appeal to the Court of Appeal, and, in such case, the proceedings, in and about the appeal, and the giving and perfecting of the security, shall be the same as an appeal from the County Court, except where otherwise provided by this Act, and the terms "party to a cause" and "appellant" in this section and hereafter used, shall have the meaning attached thereto in and by section thirty-four of the County Courts Act. (Sec. 35 C. C. Act, p. 435 R. S. O.; sec. 107 D. C. Act.)

18. Any judge of the County Court of the county in which the cause was tried, on the application of the person proposing to appeal, his counsel, attorney or agent, shall stay the proceedings in the cause, for a time not exceeding ten days, in order to afford the party time to give the security required to enable him to appeal. (*See* sec. 36 C. C. Act.) Stay of proceedings.

19. Upon any application for a new trial in any cause wherein either party may appeal, each party to the suit shall leave with the judge by whom the application is heard, a memorandum in writing of the name of some person, resident within the county town of the county or united counties in which the cause was tried, with his place of abode upon whom the notice of appeal, and all other papers thereafter requiring service, may be served for him, and service upon such person, or, in his absence, at his place of abode, shall be sufficient service thereof; and, in the event of failure to leave such memorandum by either party, all papers requiring service upon him may be served upon the Clerk of the Division Court where the suit was tried, or left at his office, for the person so failing to leave such memorandum, and such service shall be good service. The clerk shall, in such case, forthwith mail all such papers so served upon him to the person entitled to the same. Agent for service.

20. Upon the bond being approved by the judge, or the deposit being paid into court, the clerk of the court in which the suit is pending, shall, at the request of the appellant, his counsel, attorney, or agent, furnish a duly certified copy of the summons with all notices endorsed thereon, the claim, and any notice or notices of defence, and of the evidence and all objections and exceptions thereto, and of all motions or orders made, granted, or refused therein, together with such notes of the judge's charge as have been made, the judgment or decision when in writing, or the notes thereof, and all affidavits filed or used in the cause, together with all other papers filed in the cause affecting the questions raised by the appeal. The clerk shall also furnish to the respondent, when required so to do, a duplicate copy of the proceedings so furnished to the appellant, or such portion thereof as may be required by him, and for every copy he shall be entitled to receive the sum of five cents per folio of one hundred words. (*See* sec. 41 C. C. Act.) Evidence, &c., to be certified.

21. The appellant shall within two weeks after the approval of the security or deposit being paid into court, or at such other time as the judge of the said County Court may by order in that behalf provide, file the said certified copy with the registrar of the Court of Appeal, and shall thereupon forthwith set down the cause for argument before a judge of the said Court of Appeal; and shall forthwith give notice thereof, and of the appeal, and of the grounds thereof, to the respondent, his counsel, attorney or agent, at least seven days before the day for which the same is set down for hearing, and the said appeal shall be heard and disposed of by a single judge of the Court of Appeal, and he shall have power to dismiss the appeal or give any judgment and make any order which ought to have been made, and he shall give such order or direction to the court below touching the decision or judgment to be given in the matter as the law requires, and shall also award costs to the party in his discretion, which costs shall be certified to Setting down appeals. Hearing. Costs.

and form part of the judgment of the court below, and upon receipt of such order, direction and certificate, the court below shall proceed in accordance therewith. (*See* sec. 42 C. C. Act.

Taxable costs.

22. The costs taxable, as between party and party, upon or connected with any appeal shall be the actual disbursements, and no greater amount over and above actual disbursements than fifteen dollars, inclusive of counsel fee. The costs of such appeal, as between attorney and client, shall be taxable on the County Court scale. Section fifty-five of the Court of Appeals Act shall not apply to appeals made under this Act.

INSPECTOR OF DIVISION COURTS AND HIS DUTIES.

Appointment of Inspector and his duties.

23. The Lieutenant-Governor may, from time to time, appoint an Inspector of Division Courts, who shall hold office during pleasure, and whose duty shall be,

Inspection of offices.

(1) To make a personal inspection of each Division Court and of the books and court papers belonging thereto;

Books, etc.

(2) To see that the proper books are provided, that they are in good order and condition, that the proper entries and records are made therein in a proper manner, at proper times, and in a proper form and order, and that the court papers and documents are properly classified and preserved;

Officers' duties

(3) To ascertain that the duties of the officers of the Division Courts are duly and efficiently performed, and that the office is at all times duly attended to by the clerk;

Officers' fees.

(4) To see that lawful fees only are taxed or allowed as costs;

Security by Clerks and Bailiffs.

(5) When directed so to do by the Lieutenant-Governor, to ascertain that proper security has been given by any clerk or bailiff, and that the sureties continue sufficient;

Reporting to the Lieutenant-Governor.

(6) To report upon all such matters as expeditiously as may be to the Lieutenant-Governor for his information and decision.

Power of Inspector in making inquiry into conduct of officers.

24. When the said inspector considers it expedient to institute an inquiry into the conduct of any Division Court clerk or bailiff in relation to his or their official duties or acts, it shall be lawful for the said inspector to require such clerk or bailiff, or other person or persons, to give evidence on oath, and for this purpose the said inspector shall have the same power, to summon such officers to attend as witnesses, to enforce their attendance and to compel them to produce books and documents, and to give evidence, as any court has in civil cases.

Inspector's salary.

25. A salary, not exceeding *fourteen hundred dollars* per annum, shall be paid to the inspector, and such actual and necessary travelling and other expenses as shall be from time to time voted by the Legislature, and shall be payable out of the Consolidated Revenue Fund for the Province of Ontario.

Books, etc., to be produced for inspection.

26. The Division Court clerks and bailiffs shall, as often as required by the said inspector, produce all books and documents required to be kept by them, or that may hereafter be required to be kept by them, at the clerk's office, for examination and inspection.

27. It shall be the duty of every Division Court clerk or bailiff, within five days after his appointment to office, to inform the inspector of his appointment, his full name and post office address, the names of his sureties, their respective callings or professions, places of residence, and post office address. Officers to inform Inspector of their appointment etc.

28. When any clerk or bailiff has given new sureties, as required by the Division Courts Act, he shall immediately inform the said inspector of such change, giving the names of the sureties, their respective callings or professions, places of residence, and post office address. Inspector to be informed of new sureties.

29. Every Division Court clerk and bailiff shall have and keep in his possession or custody the certificate of the clerk of the peace named in the twenty-eighth section of the Division Courts Act, and shall produce the same for the information of the inspector when required so to do. Officers to produce certificate of filing covenant, etc.

30. Every clerk and bailiff shall keep a separate book in which he shall enter from day to day all fees, charges and emoluments received by him by virtue of his office, and shall, on the fifteenth day of January, in each year, make up to and including the thirty-first day of December, of the previous year, a return to the Inspector, under oath, shewing the aggregate amount of such fees, charges and emoluments so received by him during the year. Clerks to make returns.

APPOINTMENT AND DISMISSAL OF CLERKS AND BAILIFFS.

31. The Lieutenant-Governor may, upon the report of the Inspector or of the county court judge, dismiss from office for misconduct or incompetency, any clerk or bailiff heretofore appointed. Dismissal of clerks and bailiffs.

32. The Lieutenant-Governor shall, upon a vacancy occurring from any cause in the office of clerk or bailiff, appoint during pleasure, the clerk and bailiff or bailiffs of any division court. The Lieutenant-Governor shall appoint clerks and bailiffs of certain courts.

33. Nothing in this Act contained shall relieve the county judge from the responsibility of seeing that the officers of his court perform their duties, or from examining into complaints which may be made against them, or from the duties imposed upon him by the said Act in reference to the security to be given by clerks and bailiffs. And he may for cause suspend any clerk or bailiff appointed by the Lieutenant-Governor, and in case of such suspension by him, he shall forthwith report the same and the cause thereof to the Provincial Secretary; and in case a vacancy shall occur in the office of clerk or bailiff within his county, the judge shall forthwith notify the Provincial Secretary thereof." Duty of County Court Judges not affected.

34. The twenty-fifth section of the Division Courts Act is amended by striking out the words "County Court clerk or" in the first line thereof. R. S. O., c. 47, s. 25, amended.

S. 26 repealed.

35. The twenty-sixth section of the Division Courts Act is hereby repealed.

HOLDINGS OF COURTS.

Holding courts in cities.

36. For and notwithstanding anything contained in chapter forty-seven of the Revised Statutes of Ontario, or any amendment thereof, or any of the general rules in force in the Division Courts of this Province, the senior or the acting county judge may in his discretion, in any city in which two Division Courts are established or held, appoint and hold all or any of the sittings of both of such Courts in any of such Divisions.

Returns by judges.

37. Every judge of a county court shall make a return to the Provincial Secretary on or before the fifteenth day of January in every year, shewing the number of judgment debtors who, during the twelve months ending the thirty-first of December previously were ordered to be committed under each of the five heads mentioned in the one hundred and eighty-second section of the Division Courts Act.

JURIES.

Section 109 of the Divisions Court Act is hereby repealed, and the following section is substituted therefor:

38. Either party may require a jury in actions of tort or replevin where the sum or the value of the goods sought to be recovered exceeds twenty dollars, and in all other actions where the amount sought to be recovered exceeds thirty dollars.

R. S. O. c. 47, s. 112 amended.

39. The one hundred and twelfth section of the Division Courts Act is hereby amended by inserting after the word "beginning," in the fourth line thereof, the words "at the first selection after this Act comes into force," and by adding to said section the following:

In case it shall not be necessary to summon all the persons on the roll or rolls entitled to be summoned in any one year, the clerk shall, at the end of each year, so certify on the roll, and shall state in such certificate the number of persons summoned during the year, and at what number on the roll he left off; and, in summoning persons for the next year, he shall begin with the next number on the roll as nearly as he conveniently can; and so on from year to year until all the rolls have been gone through.

Fees.

40. There shall be paid to the clerk of the Division Court, in addition to all costs or jury fees now by law payable, on every suit entered where the claim exceeds twenty dollars but does not exceed sixty dollars, five cents; where the claim exceeds sixty dollars, but does not exceed one hundred dollars, ten cents; and where the claim exceeds one hundred dollars, twenty-five cents; and the same shall be taxed and allowed as costs in the cause; and, on or before the fifteenth day of January in

each year, every clerk shall return to the treasurer of the county a statement, under oath, shewing the number of suits entered in his court during the year previous, in which the claim exceeded twenty dollars but did not exceed sixty dollars; the number in which the claim exceeded sixty dollars, but did not exceed one hundred dollars, and the number in which the claim exceeded one hundred dollars; and he shall, with such statement, pay over to such treasurer the sum of five cents on each suit so entered where the claim exceeded twenty dollars but did not exceed sixty dollars; the sum of ten cents on each suit where the claim exceeded sixty dollars, but did not exceed one hundred dollars; and the sum of twenty-five cents on each suit where the claim exceeded one hundred dollars, together with all other moneys received by him for jurors' fees during the year; and such treasurer shall keep an account of all such moneys so received by him under the head of "Division Court Jury Fund."

41. In cities and towns separated from the counties for municipal purposes, the clerk shall make the return and payment, provided for by the next preceding section, to the treasurer of said city or town, who shall keep an account of such moneys in the same way as is provided in the case of county treasurers, and shall, on the presentation of the certificate of the judge, forthwith repay to the clerk of the court the jurors' fees paid by him in the same manner as is hereafter provided in the case of county treasurers.

Fees of jurors.

42. The clerk of every Division Court shall pay to each person who has been summoned as a juror, and who attends during the sittings of the court for which he has been summoned, and who does not attend as a witness in any cause, or as a litigant in his own behalf, the sum of seventy-five cents; and having so paid the same, the presiding judge shall so certify to the treasurer of the county, and shall deliver such certificate to the clerk, and the treasurer of the county shall, upon the presentation of such certificate to him, forthwith pay to the clerk, or his order, the amount which the clerk appears, by such certifiate, to have paid the jurors as aforesaid.

MISCELLANEOUS.

43. The clerk of every Division Court shall immediately after the receipt of any sum of money whatever, forward, through the post office, to the party entitled to receive the same, a notice, enclosed in an envelope addressed to such party at his proper post office address, informing him of the receipt of such money. The notice thus sent shall be pre-paid and registered, and the clerk shall obtain, and file among the papers in the suit the post office certificate of such registration, and shall deduct the postage and charge for registration from the moneys in his hands, but he shall charge no fee for such notice. The absence from amongst the papers in the suit of any such certificate of registration shall be *prima facie* evidence against the clerk that such notice has not been forwarded.

44. When the books, papers and other matters in the possession of any clerk, by virtue of or appertaining to his office, become the property of the county crown attorney, under the forty-fourth section of the Division Courts Act, such

county crown attorney may, until the appointment and qualification of another clerk, when the same shall be presented for that purpose, renew any writ of execution issued out of such court, which may lawfully be renewed, and such renewal shall have the same force and effect as if the same had been renewed by a clerk of the court, and he shall be entitled to the same fees therefor as a clerk for like services.

45. When it is made to appear to the judge upon affidavit that reasonable efforts have been made to effect personal service of the summons upon the defendant, and either that the summons has come to the knowledge of the defendant, or that he wilfully evades service of the same, such judge may, by order, grant leave to the plaintiff to serve the writ in such manner, at such place, or upon such person for the defendant as to him may seem proper, and may grant leave to the plaintiff to proceed as if personal service had been effected, subject to such conditions as the judge may impose.

46. The board of county judges, or any three of them, may frame general rules and forms concerning the practice, and in relation to the provisions of this Act, in as ample a manner as they may now make and frame such rules and forms under the powers conferred by the Division Courts Act, but subject nevertheless to the like restrictions and conditions, and to the approval, disallowance or amendment thereof by the judges of the superior courts of law, as in the case of rules and forms framed by them by virtue of the powers conferred by the said Division Courts Act.

47. This Act shall not affect any action or proceeding pending at the time of the passing thereof.

48. This Act shall be read with and as part of the Division Courts Act, and the general rules, forms, practice, procedure and fees applicable to Division Courts shall apply thereto, and to proceedings thereunder.

No. 101.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to extend the jurisdiction of the Division Courts, and to regulate the offices of the said Courts.

(Reprinted with Proposed Amendments.

1st Reading, 3rd February, 1880.

MR. HARDY

TORONTO:

PRINTED BY C. B. ROBINSON, JORDAN STREET

No. 101.] **BILL.** [1880.

An Act to extend the jurisdiction, and to regulate the offices of Division Courts.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "the Division Courts Act, 1880."

NEW JURISDICTION.

Jurisdiction extended.

2. The jurisdiction of the Division Courts is hereby extended by adding to the fifty-fourth section of the Division Courts Act, Revised Statutes of Ontario, chapter forty-seven the following subsection after the word "dollars" in the second subsection of the said fifty-fourth section:

(3) All claims for the recovery of a debt or money demand, the amount or balance of which does not exceed two hundred dollars, and the amount or original amount of the claim is ascertained by the signature of the defendant or of the person whom, as executor or administrator, the defendant represents;

(2) There shall be an appeal when the sum in dispute on such appeal—exclusive of costs—exceeds one hundred dollars, subject to the provisions of this Act.

R. S. O. c. 47, s.s. 54 and 56 amended.

3. The word "forty," where it occurs in the first sub-section of the said fifty-fourth section, and in the fifty-sixth section of the said Division Courts Act, is hereby repealed, and the word "sixty" is substituted therefor.

Absconding debtors' Act.

4. In the class of cases provided for by the second section of this Act, the increased jurisdiction conferred by the said second section shall apply to claims and proceedings against absconding debtors under section 190, and subsequent sections of the Division Courts Act; and in such cases the attachment may issue and proceedings may be had on a claim of not less than four dollars, and not more than two hundred dollars.

Order in which suits to be tried.

5. The clerk shall place all suits in which the sum sought to be recovered exceeds one hundred dollars, at the foot of the trial list, and the other suits on the list and business of the court shall be disposed of before entering upon the trial of any of such first mentioned suits, unless the judge shall, for special reason or reasons, otherwise order. The judge shall, in such cases, when no agreement not to appeal has been signed and filed, take down the evidence in writing, and shall leave

the same with the clerk of the court but in the event of an application for a new trial it shall be forwarded to the judge by the clerk for the purposes of such application.

Parties may agree not to appeal.

6. No appeal shall lie to the Court of Appeal if before the Court opens, or if without the intervention of the judge before the commencement of the trial, there shall be filed with the clerk, in any case, an agreement in writing not to appeal, signed by both parties, or their attorneys or agents, and the judge shall note in his minutes whether such agreement was so filed or not, and the minutes shall be conclusive evidence upon that point.

Security by clerks and bailiffs.

7. The judge shall require such additional security to be given by the clerks and bailiffs of the Division Courts within his county as shall, in his opinion, afford sufficient security to any and all persons being parties in any legal proceedings in the said court, having regard to the increased jurisdiction by this Act conferred, and the increased business in the courts. Nothing in this Act contained shall release or discharge from liability in whole or in part any clerk or bailiff or any surety for any clerk or bailiff upon or by virtue of any bond or covenant heretofore given or entered into by such clerk or bailiff, or surety under the provisions of the Division Courts Act.

Place of trial.

8. Where the debt or money payable exceeds one hundred dollars, and is made payable by the contract of the parties at any place named therein, the action may be brought thereon in the court holden for the division in which such place of payment is situate, subject however to the place of trial being changed to any other division in which the court holden therein has jurisdiction in the particular case.

(2) To procure such change an order to that effect is to be obtained by the defendant from the judge of the county in which the action is brought ;

(3) The application for the order is to be made within eight days from the day on which the defendant who makes the application was served with the summons ; where the service is required to be ten days before the return, or within twelve days after the day of such service, where the service is required to be fifteen days or more before the return.

(4) The application is to be on an affidavit that the applicant intends to defend the suit, that he has a good defence upon the merits, that the cause of action did not wholly arise in the division in which the action is brought, and that the witnesses for the defence, or some of them, reside within the division in which the defendants, or one of them, resided or carried on business, at the time the action was brought, and that such application is not made for the purpose of delay ; the date of the then next two sittings of the court to which he seeks to have the cause transferred is also to be shewn ;

(5) The affidavit must be by the defendants, or one of them, or by their or his attorney or agent in case satisfactory reasons are given why the affidavit is not made by a defendant ;

(6) The order shall direct at what sittings of the court the suit shall be tried, subject to all rights of postponement as in other cases, and shall be attached to the summons and other proceedings in the suit by the clerk, who shall forthwith trans-

suit the same to the clerk of the court in which the suit is by such order directed to be tried, and shall enter a minute thereof in his procedure book;

(7) Upon receipt of such order and other papers by the clerk of such last mentioned court, he shall enter the suit and proceedings in his procedure book;

(8) All the papers and proceedings in the cause thereafter, shall be entitled and had and carried on as though the suit had originally been entered in the said last mentioned court;

(9) It shall be the duty of the defendant obtaining the order forthwith to serve, or cause to be served, a copy of the same upon the plaintiff or his agent in the same manner as summonses are required to be served under the Division Courts Act.

When money made payable out of the Province.

9. When the debt or money payable exceeds one hundred dollars, and is by the contract of the parties made payable at any place out of the Province of Ontario, the action may be brought thereon in any Division Court, subject, however, to the place of trial being changed upon the application of one or more of the defendants as provided by the next preceding section.

Trial may by consent be in any division.

10. Notwithstanding anything in the Division Courts Act contained, any suit within the jurisdiction of the Division Court may be entered, tried and finally disposed of by the consent of all parties in any Division Court.

When suit entered in wrong Court by mistake.

11. If by mistake or inadvertence, a suit shall be entered in the wrong Division Court which might properly have been entered in some other Division Court of the same or any other county, the cause shall not abate as for want of jurisdiction, but on such terms as the judge shall order, all the papers and proceedings in the cause may be transferred to any Division Court, having jurisdiction in the premises and shall become proceedings thereof as though the cause were at first properly entered therein, and the same shall be continued and carried on to the conclusion thereof as though the suit had originally been entered in the said last mentioned court.

Court where suit may be tried to have full power.

12. When it is by this Act provided that a claim or suit may be entered, or an action brought, or that any person or persons may be sued in any Division Court, or that a suit may be transferred or changed to any other court, such court shall have jurisdiction in the premises, and all proceedings may be had and taken both before and after judgment in or relating to any such claim or cause as may now be had, and taken in or relating to any claim or cause which has been lawfully entered in the court holden for the division in which the cause of action arose, or in which the defendant or any one of several defendants resided or carried on business at the time the action was brought.

Endorsing upon summons.

13. There shall be endorsed upon every summons a notice informing the defendant that in any case in which an order may be made changing the place of trial, application must be made to the judge within eight days after the day of service thereof, (where the service is required to be ten days before the return,) or within twelve days after the day of such service (where the service is required to be fifteen days or more before the return.)

14. In all cases where a defendant, primary debtor or garnishee intends to contest the jurisdiction of any Division Court to hear or determine any cause, matter or thing in such court, he shall leave with the clerk of the court, within eight days after the day of service of the summons on him, (where the service is required to be ten days before the return,) or within twelve days after the day of such service, (where the service is required to be fifteen or twenty days before the return,) a notice to the effect that he disputes the jurisdiction of the court, and such clerk shall forthwith give notice thereof to the plaintiff, primary creditor, or their attorney or agents in the same way as notice of defence is now given, and in default of such notice disputing the jurisdiction of such court, the same shall be considered as established and determined, and all proceedings may thereafter be taken as fully and effectually as if the said suit or proceeding had been properly commenced, entered or taken in such court.

Place of trial in suits against clerk or bailiff.

15. Notwithstanding anything in the Division Courts Act contained, any clerk or bailiff of a Division Court may be sued in the court of an adjoining county, the place of sitting whereof is nearest to the residence of the defendant without the county in which he holds his office as such clerk or bailiff. And upon a transcript of any judgment which may be recovered against any clerk or bailiff in any such suit being sent to and received by the clerk of the court of any division adjoining the division for which the defendant was or is clerk or bailiff in the county in which the last named division is situate with a certificate of the amount due on such judgment as provided by the one hundred and sixty-first section of the Division Courts Act, such proceedings for enforcing and collecting the judgment by way of execution and otherwise may be had and taken in the Division Court to which such transcript has been so sent by the officers thereof as may be had or taken for the like purpose upon a judgment regularly recovered in any division court.

Costs.

16. Where in a contested case for more than one hundred dollars, a counsel or an attorney or agent has been employed by the successful party in the conduct of the cause or defence, the judge may, in his discretion, direct a fee of five dollars, to be increased, according to the difficulty and importance of the case, to a sum not exceeding ten dollars, to be taxed to the successful party, and the same, when so allowed, shall be taxed by the clerk and added to the other costs.

APPEALS IN SUCH CASES.

Appeal.

17. In case any party to a cause, wherein the sum in dispute upon the appeal exceeds one hundred dollars exclusive of costs, is dissatisfied with the decision of the judge, upon an application for a new trial, he may appeal to the Court of Appeal, and, in such case, the proceedings, in and about the appeal, and the giving and perfecting of the security, shall be the same as an appeal from the County Court, except where otherwise provided by this Act, and the terms "party to a cause" and "appellant" in this section and hereafter used, shall have the meaning attached thereto in and by section thirty-four of the County Courts Act. (Sec. 35 C. C. Act, p. 435 R. S. O.; see. 107 D. C. Act.)

18. Any judge of the County Court of the county in which the cause was tried, on the application of the person proposing to appeal, his counsel, attorney or agent, shall stay the proceedings in the cause, for a time not exceeding ten days from the day of giving judgment on the application for a new trial, in order to afford the party time to give the security required to enable him to appeal. (*See* sec. 36 C. C. Act.) Stay of proceedings.

19. Upon any application for a new trial in any cause wherein either party may appeal, each party to the suit shall leave with the judge by whom the application is heard, a memorandum in writing of the name of some person, resident within the county town of the county or united counties in which the cause was tried, with his place of abode upon whom the notice of appeal, and all other papers thereafter requiring service, may be served for him, and service upon such person, or, in his absence, at his place of abode, shall be sufficient service thereof; and, in the event of failure to leave such memorandum by either party, all papers requiring service upon him may be served upon the Clerk of the Division Court where the suit was tried, or left at his office, for the person so failing to leave such memorandum, and such service shall be good service. The clerk shall, in such case, forthwith mail, by registered letter, all such papers so served upon him to the person entitled to the same. Agent for service.

20. Upon the bond being approved by the judge, or the deposit being paid into court, the clerk of the court in which the suit is pending, shall, at the request of the appellant, his counsel, attorney, or agent, furnish a duly certified copy of the summons with all notices endorsed thereon, the claim, and any notice or notices of defence, and of the evidence and all objections and exceptions thereto, and of all motions or orders made, granted, or refused therein, together with such notes of the judge's charge as have been made, the judgment or decision when in writing, or the notes thereof, and all affidavits filed or used in the cause, together with all other papers filed in the cause affecting the questions raised by the appeal. The clerk shall also furnish to the respondent, when required so to do, a duplicate copy of the proceedings so furnished to the appellant, or such portion thereof as may be required by him, and for every copy he shall be entitled to receive the sum of five cents per folio of one hundred words. (*See* sec. 41 C. C. Act.) Evidence, &c., to be certified

21. The appellant shall within two weeks after the approval of the security or deposit being paid into court, or at such other time as the judge of the said County Court may by order in that behalf provide, file the said certified copy with the registrar of the Court of Appeal, and shall thereupon forthwith set down the cause for argument before a judge of the said Court of Appeal, and shall forthwith give notice thereof, and of the appeal, and of the grounds thereof, to the respondent, his counsel, attorney or agent, at least seven days before the day for which the same is set down for hearing, and the said appeal shall be heard and disposed of by a single judge of the Court of Appeal, and he shall have power to dismiss the appeal or give any judgment and make any order which ought to have been made, and he shall give such order or direction to the court below touching the decision or judgment to be given Setting down appeals. Hearing.

Costs.

in the matter as the law requires, and shall also award costs to the party in his discretion, which costs shall be certified to and form part of the judgment of the court below, and upon receipt of such order, direction and certificate, the court below shall proceed in accordance therewith. (*See* sec. 42 C. C. Act.

Taxable costs.

22. The costs taxable, as between party and party, upon or connected with any appeal shall be the actual disbursements, and no greater amount over and above actual disbursements than fifteen dollars, inclusive of counsel fee. The costs of such appeal, as between attorney and client, shall be taxable on the County Court scale. Section fifty-five of the Court of Appeals Act shall not apply to appeals made under this Act.

INSPECTOR OF DIVISION COURTS AND HIS DUTIES.

Appointment of Inspector and his duties.

23. The Lieutenant-Governor may, from time to time, appoint an Inspector of Division Courts, who shall hold office during pleasure, and whose duty shall be,

Inspection of offices.

(1) To make a personal inspection of each Division Court and of the books and court papers belonging thereto;

Books, etc.

(2) To see that the proper books are provided, that they are in good order and condition, that the proper entries and records are made therein in a proper manner, at proper times, and in a proper form and order, and that the court papers and documents are properly classified and preserved;

Officers' duties.

(3) To ascertain that the duties of the officers of the Division Courts are duly and efficiently performed, and that the office is at all times duly attended to by the clerk;

Officers' fees.

(4) To see that lawful fees only are taxed or allowed as costs;

Security by Clerks and Bailiffs.

(5) When directed so to do by the Lieutenant-Governor, to ascertain that proper security has been given by any clerk or bailiff, and that the sureties continue sufficient;

Reporting to the Lieutenant-Governor.

(6) To report upon all such matters as expeditiously as may be to the Lieutenant-Governor for his information and decision.

Power of Inspector in making inquiry into conduct of officers.

24. When the said inspector considers it expedient to institute an inquiry into the conduct of any Division Court clerk or bailiff in relation to his or their official duties or acts, it shall be lawful for the said inspector to require such clerk or bailiff, or other person or persons, to give evidence on oath, and for this purpose the said inspector shall have the same power, to summon such officers to attend as witnesses, to enforce their attendance and to compel them to produce books and documents, and to give evidence, as any court has in civil cases.

Inspector's salary.

25. A salary, not exceeding *fourteen hundred dollars* per annum, shall be paid to the inspector, and such actual and necessary travelling and other expenses as shall be from time to time voted by the Legislature, and shall be payable out of the Consolidated Revenue Fund for the Province of Ontario.

Books, etc., to be produced for inspection.

26. The Division Court clerks and bailiffs shall, as often as required by the said inspector, produce all books and documents required to be kept by them, or that may hereafter be required to be kept by them, at the clerk's office, for examination and inspection. Any clerk or bailiff shall report to the inspector

all such matters relating to any cause or proceeding as the inspector shall require.

Officers to inform Inspector of their appointment etc.

27. It shall be the duty of every Division Court clerk or bailiff, within five days after his appointment to office, to inform the inspector of his appointment, his full name and post office address, the names of his sureties, their respective callings or professions, places of residence, and post office address.

Inspector to be informed of new sureties.

28. When any clerk or bailiff has given new sureties, as required by the Division Courts Act, he shall immediately inform the said inspector of such change, giving the names of the sureties, their respective callings or professions, places of residence, and post office address.

Officers to produce certificate of filing covenant, etc.

29. Every Division Court clerk and bailiff shall have and keep in his possession or custody the certificate of the clerk of the peace named in the twenty-eighth section of the Division Courts Act, and shall produce the same for the information of the inspector when required so to do.

30. Every clerk shall, on or before the fifteenth day of January in each year, make a return of the business of his office for the year ending the thirty-first day of December preceding, in such form and manner as the Lieutenant-Governor shall direct.

Clerks to make returns

31. Every clerk and bailiff shall keep a separate book in which he shall enter from day to day all fees, charges and emoluments received by him by virtue of his office, and shall, on the fifteenth day of January, in each year, make up to and including the thirty-first day of December, of the previous year, a return to the Inspector, under oath, shewing the aggregate amount of fees, charges and emoluments so received by him and which he has become entitled to receive, and has not received, during the year.

CLERKS AND BAILIFFS.

Dismissal of clerks and bailiffs.

32. The Lieutenant-Governor may, upon the report of the Inspector or of the county court judge, dismiss from office for misconduct or incompetency, any clerk or bailiff heretofore appointed.

The Lieutenant-Governor shall appoint clerks and bailiffs of certain courts.

33. The Lieutenant-Governor may appoint, during pleasure, the clerk and bailiff or bailiffs of any division court.

Duty of County Court Judges not affected.

34. Nothing in this Act contained shall relieve the county judge from the responsibility of seeing that the officers of his court perform their duties, or from examining into complaints which may be made against them, or from the duties imposed upon him by the said Act in reference to the security to be given by clerks and bailiffs, and such last mentioned duties are declared and shall be held to be of a judicial and not of an administrative character. The Judge may for cause suspend any clerk or bailiff appointed by the Lieutenant-Governor, and

In case of such suspension by him, he shall forthwith report the same and the cause thereof to the Provincial Secretary; and in case a vacancy shall occur in the office of clerk or bailiff within his county, the judge shall forthwith notify the Provincial Secretary thereof.

R. S. O., c. 47, s. 25, amended.

35. The twenty-fifth section of the Division Courts Act is amended by striking out the words "County Court clerk or" in the first line thereof.

S. 26 repealed.

36. The twenty-sixth section of the Division Courts Act is hereby repealed, but, nevertheless, the judge of the county court may at pleasure suspend or remove any clerk or bailiff within his own county heretofore appointed by a judge.

Clerk or bailiff not to collect on commission.

37. No clerk or bailiff shall directly or indirectly take or receive any commission, charge expenses fee or reward for or in connection with the collection of any debt or claim which has been or may or can be sued in the court for which he is so clerk or bailiff, except such fees as are provided by any tariff of fees under the Division Courts Act or this Act.

Certain clerks not disqualified.

38. Nothing in this Act or any other Act contained shall render ineligible or disqualify to sit or vote as a member of the Legislative Assembly any person who at present holds the office of Division Court Clerk under the nomination or appointment of any judge of any county court.

39. Each Division Court Clerk shall be entitled to retain to his own use in each year all the fees and emoluments earned by him in that year up to one thousand dollars;

(1) Of the further fees and emoluments earned by each Division Court Clerk in each year in excess of one thousand dollars, and not exceeding fifteen hundred dollars, he shall be entitled to retain to his own use ninety per cent., and no more;

(2) Of the further fees and emoluments earned by each Division Court Clerk in each year in excess of fifteen hundred dollars, and not exceeding two thousand dollars, he shall be entitled to retain to his own use eighty per cent., and no more;

(3) Of the further fees and emoluments earned by each Division Court Clerk in each year in excess of two thousand dollars and not exceeding twenty-five hundred dollars he shall be entitled to retain to his own use seventy per cent., and no more;

(4) Of the further fees and emoluments earned by each Division Court Clerk in each year in excess of twenty-five hundred dollars and not exceeding three thousand dollars, he shall be entitled to retain for his own use sixty per cent., and no more;

(5) Of the further fees and emoluments earned by each Division Court Clerk in each year in excess of three thousand dollars he shall be entitled to retain for his own use fifty per cent., and no more.

Clerk to pay excess to Treasurer of Province.

40. On the fifteenth day of January in each year each Division Court Clerk shall transmit to the Treasurer of the Province a duplicate of the return required by this Act, and shall also pay to such Treasurer for the use of the Province such propor-

tion of the fees and emoluments earned by him during the preceding year, as under this Act he is not entitled to retain to his own use.

HOLDINGS OF COURTS.

41. For and notwithstanding anything contained in chapter forty-seven of the Revised Statutes of Ontario, or any amendment thereof, or any of the general rules in force in the Division Courts of this Province, in any city in which two Division Courts are established or held, all or any of the sittings of both of such Courts may be appointed and held in any of such Divisions, and both clerks of such Courts may, with the approval of the Lieutenant-Governor in Council, have and keep their offices in the same Division in such city. Holding courts in cities.

42. The sittings of the division court in any county town may be held in the county court house, and, in the cases of cities and towns separated from the county, the use of the court house for such purpose may be taken into account in settling the proportion of the charges to be paid by the city or town for the maintenance of the court house.

JURIES.

43. Section 109 of the Division Courts Act is hereby repealed, and the following section is substituted therefor:

(109.) Either party may require a jury in actions of tort or replevin where the sum or the value of the goods sought to be recovered exceeds twenty dollars, and in all other actions where the amount sought to be recovered exceeds thirty dollars. In what cases.

44. The one hundred and twelfth section of the Division Courts Act is hereby amended by inserting after the word "beginning," in the fourth line thereof, the words "at the first selection after this Act comes into force," and by adding to said section the following: R. S. O. c. 47, s. 112 amended.

In case it shall not be necessary to summon all the persons on the roll or rolls entitled to be summoned in any one year, the clerk shall, at the end of each year, so certify on the roll, and shall state in such certificate the number of persons summoned during the year, and at what number on the roll he left off; and, in summoning persons for the next year, he shall begin with the next number on the roll as nearly as he conveniently can; and so on from year to year until all the rolls have been gone through.

45. There shall be paid to the clerk of the Division Court, in addition to all costs or jury fees now by law payable, on every suit entered where the claim exceeds twenty dollars but does not exceed sixty dollars, three cents; where the claim exceeds sixty dollars, but does not exceed one hundred dollars, six cents; and where the claim exceeds one hundred dollars, twenty-five cents; and the same shall be taxed and allowed as costs in the cause; and, on or before the fifteenth day of January in each year, every clerk shall return to the treasurer of the county Fees for jury fund.

a statement, under oath, shewing the number of suits originally entered in his court during the year previous, in which the claim exceeded twenty dollars but did not exceed sixty dollars; the number in which the claim exceeded sixty dollars, but did not exceed one hundred dollars, and the number in which the claim exceeded one hundred dollars; and he shall, with such statement, pay over to such treasurer the sum of three cents on each suit so entered where the claim exceeded twenty dollars but did not exceed sixty dollars; the sum of six cents on each suit where the claim exceeded sixty dollars, but did not exceed one hundred dollars; and the sum of twenty-five cents on each suit where the claim exceeded one hundred dollars, together with all other moneys received by him for jurors' fees during the year; and such treasurer shall keep an account of all such moneys so received by him under the head of "Division Court Jury Fund."

Cities forming separate divisions.

46. In cities which includes one or more entire divisions and no other fraction of a division the clerk shall make the return and payment, provided for by the next preceding section, to the treasurer of such city who shall keep an account of such moneys in the same way as is provided in the case of county treasurers, and shall, on the presentation of the certificate of the judge, forthwith repay to the clerk of the court the jurors' fees paid by him in the same manner as is hereafter provided in the case of county treasurers.

Twelve jurors to be summoned.

47. The word "fifteen" in the second line of the one hundred and fourteenth section of the Division Courts Act is repealed, and the word "twelve" is substituted therefor.

Judge may call *tales*.

48. There shall be added to the one hundred and twenty-first section of the said Division Courts Act the following words:—"In the event of the panel being exhausted before a jury shall be obtained, the judge may direct the clerk to summon from the body of the court a sufficient number of disinterested persons to make up a full jury, and any person so summoned may, saving all lawful exceptions and rights of challenge, sit and act as a juror as fully as though he had been regularly summoned."

Fees of jurors.

49. The clerk of every Division Court shall pay to each person who has been summoned as a juror, and who attends during the sittings of the court for which he has been summoned, and who does not attend as a witness in any cause, or as a litigant in his own behalf, the sum of one dollar; and having so paid the same, except in the cases of the next preceding section provided for the presiding judge shall so certify to the treasurer of the county, and shall deliver such certificate to the clerk, and the treasurer of the county shall, upon the presentation of such certificate to him, forthwith pay to the clerk, or his order, the amount which the clerk appears, by such certifiate, to have paid the jurors as aforesaid. In the case of cities, other than those provided for by the next preceding section, and towns separated from the county, the amounts paid in by the clerks of the courts in such cities and towns, and the amounts paid by the county treasurer to the clerks of such courts for jury fees, shall be taken into account in settling the proportion of the charges to be paid by the city or town towards the costs of administration of justice.

APPEALS UNDER MASTERS' AND SERVANTS' ACT.

Mode of appeal provided for.

50. All appeals hereafter to be made from or against any conviction or order for the payment of wages, or any order of dismissal from service or employment or against any decision of any Justice or Justices under the one hundred and thirty-third chapter of the Revised Statutes of Ontario, entitled "An Act respecting Master and Servant," shall, notwithstanding anything contained in the thirteenth section of the said Act, be made to the Division Court, holden in the division in which the cause of action arose, or in which the party complained against, or one of them, resided at the time of the making of the complaint.

Notice of appeal.

51. The person proposing to appeal shall give to the opposite party a notice in writing of his appeal, and of the cause or matter thereof, within four days after such conviction, order, decision or judgment, and eight days, at least, before the holding of the court at which the appeal is to be heard, and shall also, within the four days, enter into a bond to the opposite party with two sufficient sureties—to be approved of by the clerk of the court—in the penal sum of one hundred dollars, conditioned, personally to appear at the said court and try such appeal, and to abide the judgment of the court thereon, and to pay such costs as shall be by the court awarded, and upon such notice being served and bond executed and filed with the clerk, all proceedings on the order, conviction or decision appealed against shall be stayed until the determination of the appeal.

Case to be entered by clerk.

52. The clerk shall, on the bond and notice of appeal with an affidavit of service thereof being filed in his office, enter the cause in his procedure-book, and the appeal may be tried with a jury if the appellant file with the clerk at the time of filing the bond a notice requiring a jury, or if the respondent, within four days after the service of the notice of appeal upon him, file a notice with the clerk, requiring a jury, and if the proper fees are, in either case, deposited with the clerk; otherwise the judge may try the appeal without a jury or may summon a jury from the body of the court as to him seems meet.

Proceedings in case of appeal dismissed or affirmed.

53. In case of the dismissal of the appeal or affirmance of the conviction, order or decision, the judge may order and adjudge the offender to be punished according to the conviction or order, or he may direct the enforcement of the order for payment of wages or of dismissal, as the case may be, with the payment of the costs awarded, and any order or orders made by him in the premises shall be enforced and carried into execution by the officers of the court. The judge may direct execution to issue for the levying of any moneys or costs awarded or ordered to be paid, and in the event of any such moneys or costs being payable by the appellant, which have not been levied under execution against the goods of the appellant, the judge may order the bond to be delivered up to the respondent, who shall be entitled to recover the amount due him with costs in any Division Court having jurisdiction.

Not to apply in certain cases.

54. The next preceding four sections shall not apply to any appeal from or against any order, conviction or decision made under the one hundred and twelfth section of the seventy-fifth chapter of the Consolidated Statutes of Upper Canada, on any matter not within the jurisdiction of the Legislature of Ontario.

Sec. 94 R. S. O. repealed, and new section substituted.

55. That section ninety-four be repealed and the following substituted therefor:—

"If the set-off, proved to the satisfaction of the judge, exceeds the amount shewn to be due to the plaintiff, the plaintiff shall be non-suited or the defendant may elect to have judgment for such excess, provided such excess be an amount within the jurisdiction of the court, and if such excess be greater in amount than the jurisdiction of said court the judge may adjudicate that an amount of such set-off equal to the amount shewn to be due to the plaintiff be satisfied by such claim, but such adjudication shall be no bar to the recovery by the defendant in any subsequent suit for the residue of such set-off."

MISCELLANEOUS.

56. The clerk of every Division Court shall immediately after the receipt of any sum of money whatever, for any party to a suit, forward, through the post office, to the party entitled to receive the same, a notice, enclosed in an envelope addressed to such party or in the case of a transcript of judgment from another court, then to the clerk who issued the same, at his proper post office address, informing him of the receipt of such money. The notice thus sent shall be pre-paid and registered, and the clerk shall obtain, and file among the papers in the suit the post office certificate of such registration, and shall deduct the postage and charge for registration from the moneys in his hands, but he shall charge no fee for such notice. The absence from amongst the papers in the suit of any such certificate of registration shall be *prima facie* evidence against the clerk that such notice has not been forwarded

57. When the books, papers and other matters in the possession of any clerk, by virtue of or appertaining to his office, become the property of the county crown attorney, under the forty-fourth section of the Division Courts Act, or in case of the suspension of a clerk, such county crown attorney may, during such suspension, or until the appointment and qualification of another clerk, when the same shall be presented for that purpose, renew any writ of execution issued out of such court, which may lawfully be renewed, and such renewal shall have the same force and effect as if the same had been renewed by a clerk of the court, and he shall be entitled to the same fees therefor as a clerk for like services.

Returns by judges on judgment summons

58. Every judge of a county court shall make a return to the Provincial Secretary on or before the fifteenth day of January in every year, shewing the number of judgment debtors who, during the twelve months ending the thirty-first of December previously were ordered to be committed under each of the five heads mentioned in the one hundred and eighty-second section of the Division Courts Act.

Affidavit required before judgment summons.

59. That section one hundred and seventy-seven of the Division Courts Act be amended by adding thereto the following: Provided, nevertheless, that before such summons shall issue, the plaintiff, his attorney or agent shall make and file with the clerk of the court from which the summons may issue an affidavit stating (1) That the judgment remains unsatisfied in the whole or unpaid; (2) That the deponent believes that the defendant sought to be examined is able to pay the amount due in respect of the judgment or some part thereof; (3) or, That the defendant sought to be examined has rendered himself liable to be committed to gaol under the Division Courts Act.

One service of judgment summons only.

60. Section one hundred and eighty-three of the said Division Courts Act is amended by striking out the word "twice" in the fifth line thereof.

61. This Act shall not affect or apply to the sixty-seventh chapter of the Revised Statutes of Ontario or anything therein contained.

Substitutional service.

62. When it is made to appear to the judge upon affidavit that reasonable efforts have been made to effect personal service of the summons upon the defendant, primary debtor or garnishee and either that the summons has come to the knowledge of the defendant, primary debtor or garnishee, or that he wilfully evades service of the same, or has absconded, such judge may, by order, grant leave to the plaintiff to serve the writ in such manner, at such place, or upon such person for the defendant primary debtor or garnishee, as to him may seem proper, and may grant leave to the plaintiff to proceed as if personal service had been effected, subject to such conditions as the judge may impose.

Costs of witnesses.

63. Where the defendant having disputed the plaintiff's claim afterwards and before the opening of court confesses judgment or pays the claim so short a time before the sitting of the court that the plaintiff cannot in the ordinary way be notified thereof, and without such notice the plaintiff *bona fide* and reasonably incurs expenses in procuring witnesses or in attending at court, the judge may, in his discretion, order the defendant to pay such costs or such portion thereof as to him may seem just.

Renewal of execution.

64. That section one hundred and sixty-three be amended by striking out the words "thirty days" where the same occurs in the fourth line thereof, and by substituting therefor the words "six months."

Costs in garnishee cases.

65. The judge in any case brought to garnish a debt, may, in giving judgment on behalf of the primary creditor, award the costs of the proceeding to the primary creditor out of the amount found due from the garnishee to the primary debtor, anything in the Division Courts Act to the contrary notwithstanding.

County Board to make rules.

66. The board of county judges, or any three of them, may frame general rules and forms concerning the practice, and in relation to the provisions of this Act, in as ample a manner as

they may now make and frame such rules and forms under the powers conferred by the Division Courts Act, but subject nevertheless to the like restrictions and conditions, and to the approval, disallowance or amendment thereof by the judges of the superior courts of law, as in the case of rules and forms framed by them by virtue of the powers conferred by the said Division Courts Act.

Pending proceeding.

67. This Act shall not affect any action or proceeding pending at the time of the passing thereof.

Act part of D. C. Act.

68. This Act shall be read with and as part of the Division Courts Act, and the general rules, forms, practice, procedure and fees applicable to Division Courts shall apply thereto, and to proceedings thereunder.

No. 101.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to extend the jurisdiction of the Division Courts, and regulate the offices of the said Courts.

(Reprinted with Proposed Amendments.)

First Reading, 3rd February, 1880.

Second " 10th " 1880.

MR. HARDY.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

No. 102.] BILL. [1880.

An Act to abolish priority of and amongst Execution Creditors.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Short title. 1. This Act may be cited as "The Creditors Relief Act, 1880."

Interpretation 2. In this Act the word "sheriff" shall include coroners; the word "judge" shall mean the judge of the county court of the county or district in which the claims are fyled, and shall include a junior or deputy-judge, or a judge of another county authorized by law to act for the judge of the county court in which the claims are fyled. If a judge is disqualified to act in any matter arising under this Act, the judge of the county court of an adjoining county shall have jurisdiction in such matter in his place. Any authority by this Act conferred upon a judge of a county court may also be exercised by the court.

Certain right not affected. 3. This Act shall not affect the rights of execution creditors under writs of execution delivered to a sheriff or division court bailiff before this Act takes effect.

Priority abolished. 4. Subject to the provisions hereinafter contained, there shall be no priority between or among execution creditors.

Sheriff, after levy, to post up notice thereof. 5. In case a sheriff levies any money upon an execution against the property of a debtor, he shall forthwith post up in his office, and until such money is distributed shall keep so posted, a notice stating that such levy has been made, and the amount thereof; and such money shall thereafter be distributed, ratably, amongst all execution creditors and other creditors whose writs, or certificates given under this Act, were in the sheriff's hands at the time of such levy, or who shall deliver their writs or certificates to the said sheriff within one calendar month from the first posting of such notice; subject, however, to the provisions hereinafter contained as to the retention of dividends in the case of contested claims, and as to the payment of the costs of the creditor under whose writ the amount was made;

Distribution.

Form of notice. (2) The said notice shall state the day upon which it was first posted, and may be in Form A, given in the schedule hereto.

Provisions in case of subsequent levy. (3) In case the sheriff shall, subsequently to the posting of such notice, but within the said month, levy any further amount from the property of a debtor, the same shall be dealt with as if such amount had been levied prior to the posting of the said

notice, but if after such month any further amount is levied, a new notice shall be posted; and the distribution to be made of the amount so levied and of any further amount levied within a month of the posting of such last mentioned notice shall be governed by the posting of such last mentioned notice in accordance with the foregoing provisions of this section; and so on from time to time.

Levy by division court bailiff.

6. In case a bailiff of a division court levies any money upon an execution against the property of a debtor, he shall pay the same to the clerk, who shall forthwith post up in his office, and until such money is distributed shall keep so posted, a notice stating that such levy has been made, and the amount thereof in the manner provided in the next preceding section, and such money, and all moneys subsequently levied within one calendar month from the first posting of the said notice, shall thereafter be distributed ratably amongst all execution creditors whose writs were in the bailiff's hands at the time of such levy, or who may have delivered their writs to the said bailiff within one calendar month from the first posting of such notice.

Who entitled to share in distribution.

7. No creditor shall be entitled to share in the distribution of money levied out of the property of a debtor unless either by the delivery of a writ of execution, or otherwise under this Act, such creditor has established a claim against such debtor either alone or jointly with some other person or persons.

Proceedings where debtor allows executions to remain unsatisfied.

8. If a debtor permits an execution issued against him under which any of his goods or chattels are seized by a sheriff, to remain unsatisfied in the sheriff's hands till within four days of the time fixed by the sheriff for the sale thereof, or for fifteen days after such seizure, or allows an execution against his lands to remain unsatisfied for nine months after it is placed in the sheriff's hands, the following proceedings may be taken by other creditors in respect of debts which are overdue, in lieu of their obtaining judgments and executions against the debtor in the ordinary way;

Affidavit by creditor.

(1) An affidavit of the debt and the particulars thereof may be made in duplicate by the creditor, or by one of the creditors in case of a joint debt, or by his or their clerk or some other person on behalf of the creditor or creditors, and cognizant of the facts; which affidavit may be to the effect of form B in the schedule to this Act;

Service on debtor.

(2) The claimant is to serve on the debtor one of the said duplicates, and a notice stating that the claimant intends to fyle the other duplicate affidavit with the clerk of the county court by reason of there being in the sheriff's hands a writ of execution against the goods and chattels (or lands) of the debtor, and that the claimant intends to call on the sheriff to levy the said debt of the property of the said debtor under the authority of this Act; which notice is to contain the other particulars, and may be in the form C, given in the schedule to this Act; the said notice may be either attached to the affidavit served, or endorsed thereon; where the affidavit is to be served out of Ontario the judge shall limit the time at which the next step may be taken by the claimant as hereinafter provided;

(3) The claimant is to fyle with the clerk of the county court of the county, the sheriff of which has the execution, one of the said duplicate affidavits of claim, and a copy of the said notice, with an affidavit of due service; which affidavit of service may be in the form D; Affidavits to be fyled with clerk of county clerk.

(4) The copy of affidavit and the notice shall, where practicable, be personally served upon the debtor; but if it be made to appear to a judge that the claimant is unable to effect prompt personal service, the judge may make such order for substituted or other service, or may appoint some act to be done which shall be deemed sufficient in lieu of service, as may seem just; Mode of service.

(5) If the claim is not disputed in manner hereinafter mentioned, the said county court clerk—after ten days from the day of personal service, or within the time mentioned in the order (as the case may be), on application and the fyling with him of proof of personal service upon the debtor of an affidavit and notice in accordance with this Act, or proof of compliance with a judge's order in that behalf, or upon the determination of the dispute in favour of the claimant, either in whole or in part—shall deliver to the creditor, or any one on his behalf, a certificate to the effect of Form E, in the schedule hereto; and in case the claim is only disputed as to a part, the creditor may elect, by a writing fyled with the clerk, to abandon such part and obtain a certificate as to the residue; Certificate to be given to creditor where claim not disputed.

(6) This certificate is to be delivered to the sheriff, and thereby from the time of such delivery the claimant shall be deemed to be an execution creditor within the meaning of this Act, and to be entitled to share with creditors who have in the sheriff's hands executions against either lands or goods whatever money is made under such executions, as if he had delivered to the sheriff an execution against lands or goods, or both, as the case may be, and such certificate is in like manner to bind the lands and goods of the debtor; subject however to the debt being afterwards disputed as hereinafter provided for. Effect of certificate.

(7) On receiving the said certificate the sheriff shall make a further seizure of the lands and tenements, or goods and chattels, as the case may be, (if any) of the debtor to the amount of the debt so claimed and the sheriff's fees; and so on from time to time in case more notices are received after the further seizure so made; On receipt of certificate sheriff to make further levy.

(8) The claim may be disputed by the execution debtor, or by a creditor interested in disputing the same; Disputing claim.

(9) If the debtor disputes the same, he is for that purpose to fyle with the clerk an affidavit stating that he has a good defence to the claim on the merits, or that he has such defence to a specified part of the claim; but the judge may dispense with such affidavit on terms or otherwise; Affidavit of debtor.

(10) The debtor is to fyle such affidavit and deliver to the claimant a copy thereof within ten days after the personal service upon him of the affidavit of claim and the notice, or within the time which the judge by an order dispensing with personal service directed, or within any further time which in either case the judge may allow; such affidavit is to have endorsed thereon a statement of some place in, or within three miles of, the county town of the county in which the proceedings are being taken, at which service may be made upon the debtor, or the address of some solicitor in the Province who may be served in the debtors' be- Fyling and service of affidavit. Address for service.

half, and in default thereof, service of any notice, paper, or document requiring service, may be made upon the debtor by mailing the same prepaid and registered, enclosed in an envelope addressed to the debtor at such county town.

Creditor disputing claim.

(11) If the dispute is by a creditor, he is for that purpose to fyle with the said clerk an affidavit to the effect, that he has reason to believe that the debt claimed is not really and in good faith due from the debtor to the claimant; but the judge may dispense with such affidavit on terms or otherwise;

Time for fyling affidavit.

(12) Such affidavit by a creditor may be so fyled, and a certificate thereof delivered to the sheriff, at any time before distribution is made.

Distribution by sheriff in case of contestation.

(13) In case of a claim being disputed by a creditor after a certificate has been placed in the sheriff's hands, the sheriff, unless the judge otherwise orders, shall proceed and levy as if such contestation had not been made, and the sheriff shall, until the determination of the contestation, retain in the bank the amount which would be apportionable to such claim if valid, and he shall, as soon after the expiry of the said month as practicable, distribute the residue of the money made amongst those entitled.

Proceedings to enforce claim.

(14) The claimant whose claim is disputed may apply to a judge for an order allowing his claim and determining the amount; and in case he does not make such application within eight days of his receiving notice of the contestation he shall be taken to have abandoned his claim; if the disputant is a creditor and there is reason to believe that the contestation is not being carried on in good faith, any other creditor may apply for an order permitting him to intervene in the contest.

Mode of determining questions in dispute.

(15) The judge may determine any questions in dispute in a summary manner, or may direct an action or issue, in any court, for the trial thereof, either by a jury or otherwise, and may make such order as to the costs of the proceedings as may be just; the same proceedings may be had for the examination of parties or others, either before or at the trial, as may be taken in an ordinary action, and such proceedings may also be taken prior to the application to the judge, and as a foundation therefor.

Proceedings by creditor who has obtained a division court judgment.

(16) A creditor who has recovered a judgment in a division court against the debtor may serve upon the sheriff a memorandum of the amount of his judgment and of the costs to which he is entitled, under the hand of the clerk and the seal of the division court; and such memorandum so served shall have the same effect for the purposes of this Act as if the creditor had delivered to the sheriff a writ of execution directed to the said sheriff from a county court.

Establishing claim in second county.

(17) Where a creditor has taken in one county the prescribed proceedings in respect of his claim, and desires to establish his claim for the purposes of this Act in another county also, he may do so by obtaining from the said county clerk another certificate (Form E), and delivering the same to the sheriff of such other county, and the delivery of such certificate to such sheriff shall have the same effect for the purposes of this Act in the county in which the same takes place, from the day of such delivery, as if a new notice and affidavit of claim had been served for such county and other proceedings had in respect thereof under the previous provisions of this Act.

(18) In case a claim is contested in one county, the decision in such county shall, as between the parties to it, determine the amount of the claim for the purposes of this Act in all other counties in which the claim is fyled, and the certificate of the clerk of the county court of the county in which the contest has taken place, of the result thereof, shall be *prima facie* proof of such decision. Such certificate shall, upon payment of a fee of fifty cents, be granted to any party to the proceedings who applies therefor. Decision in one county binding in others.

(19) The clerk of the county court shall keep a book in which he shall enter the following particulars with reference to every claim in respect of which he gives a certificate under this Act; Clerk of county court to keep book of reference.

(*a*) The name of every claimant, and of every debtor;

(*b*) The date upon which a certificate was first granted to the claimant;

(*c*) The amount of debt, exclusive of costs;

(*d*) The amount of costs;

(*e*) If the proceedings have been set aside, this fact, and shortly, the reason therefor;

(20) The clerk shall index the entries in said book alphabetically under the name of every debtor. Index to book of reference.

(21) In case the original papers happen to be lost or destroyed, a copy of the entry in such book shall be evidence of all matters therein set forth and expressed; Copy of entry evidence.

(22) After a certificate has been filed with the sheriff, the withdrawal or expiry of the writ, or writs, upon which the proceedings are founded, or any stay upon such writ, or writs, or the satisfaction of the plaintiff's claim thereon, or the setting of such writ or writs aside, shall not affect the proceedings to be taken under this Act, and except so far as the action taken in regard to such writ may affect the amount to be levied, the sheriff shall proceed and levy upon the goods or lands of the debtor, or both, as he would have proceeded had such writ or writs remained in his hands in full force to be executed. Effect of expiry or withdrawal of writs.

9. The clerk shall ascertain and state in his said certificate, the amount of the costs to which the claimant is entitled as against the debtor, such costs shall be the following: Costs of claimant.

(1) Amount paid to the proper sheriff for serving the affidavit of claim, to be allowed upon the superior court scale in the case of claims over four hundred dollars, and on the county court scale in the case of claims exceeding two hundred dollars and not exceeding four hundred dollars, or the amount paid to the proper division court bailiff, upon the division court scale in the case of claims of two hundred dollars and under; and the fees paid to the county court clerk under this Act are also to be allowed, which fees shall be the same as in like cases under the existing laws;

(2) Where there is no contest the sum of five dollars for fees of a solicitor (if employed), unless the amount of the claim is within the jurisdiction of the division court, in which case the sum of two dollars only is to be allowed;

(3) In case of a contest, such additional costs (if any) as the judge may allow.

(4.) The costs of obtaining an order for substituted service or other similar order and of such service, or the costs of and incidental to service out of the Province; in either case to be

taxed by the clerk of the court, and stated in his certificate aforesaid; if the claim is within the jurisdiction of the division court, only such a sum to be allowed for costs as would have been incurred in obtaining a judgment in the division court.

Sheriff may obtain goods in hands of division court bailiff.

10. If the sheriff does not find sufficient property of a debtor leviable under executions and claims in his hands to pay the same in full, and the sheriff finds any goods and chattels in the hands of the bailiff of a division court under a writ of execution or attachment against the debtor, the sheriff shall demand and obtain such goods and chattels from the bailiff, who shall forthwith deliver the same to the sheriff, with a copy of every writ of execution in his hands against the debtor, and a memorandum shewing the amount to be levied thereunder, including the bailiff's fees so far as proceedings have been taken by him, and shewing the date upon which each writ was received by him.

Penalty.

(2) In case the bailiff fails to deliver any of such goods, he shall pay a penalty of double the value of the property retained, such double value to be recovered by the sheriff from the bailiff with costs of suit, and to be by the sheriff accounted for as part of the estate of the debtor;

Distribution.

(3) The sheriff shall distribute the proceeds of such property amongst the creditors of the debtor under the provisions of this Act, and the division court execution creditors shall be entitled, without further proof, to stand in the same position as execution creditors whose writs are in the sheriff's hands.

Mode of apportioning money where amount insufficient to pay claims in full.

11. Where the amount levied by a sheriff is not sufficient to pay the execution debts and other claims, with costs, in full, the money shall be applied ratably in making payments in the following order, after retaining the sheriff's fees and costs of execution:

(1) The costs of the execution creditor upon whose writ the amount was made.

(2) The debts of the execution creditors, and other claimants entitled under the *fifth* section, with interest at six per centum;

(3) The costs of the remaining execution creditors and other claimants.

Costs to be allowed by sheriff.

12. The costs to be allowed to execution creditors by the sheriff in making such distribution are such costs only as are leviable under their executions; and the costs to be allowed to other defendants are the costs stated in the clerk's certificate and the additional sum of two dollars for each renewal.

Sheriff's poundage.

13. Where money is to be distributed by a sheriff under this Act, the sheriff shall not be entitled to poundage as upon separate writs or claims, but only upon the net proceeds of the estate distributable by him, and at the same rate as if the whole amount had been payable upon one writ; and he shall not be entitled to poundage on property received by him without suit from a division court bailiff under this Act.

Money made on any writ to be considered as made on all writs entitled to benefit thereof.

14. Where money is made upon any writ, the same shall be taken for the purposes of the sheriff's return and otherwise, to be made upon all the writs or certificates entitled to the benefit thereof, and the sheriff shall, upon payment being made to the person entitled upon any such writ or certificate, endorse

thereon a memorandum of the amount so paid, but he shall not, except on the request of the party issuing the writ, or by direction of the court out of which the same issues, or of a judge having the authority of a judge of such court, return the writ until the same has been fully satisfied, or unless the same has expired by effluxion of time, in which case the sheriff shall, notwithstanding such expiry, make a formal return of the amount made thereon. Return.

(2) A certificate issued under this Act shall remain in force for one year, from the date thereof and no longer, unless renewed, but such certificate may from time to time be renewed in the same manner as a writ of *fieri facias*, but notwithstanding the expiry of a writ or certificate prior to the termination of the month during which a notice of money having been made is under this Act required to be posted, the said writ and certificate shall, as to any money levied during such month, be deemed to be in full force and effect. Time certificate to remain in force.

(3) The like proceedings may be taken to compel payment by the sheriff of any money payable in respect to any execution or other claim as can now be had to compel the return by the sheriff of a writ of execution. Compelling payment by sheriff.

15. The sheriff shall, pending the distribution of moneys levied, keep publicly posted in his office, a statement according to form F in the schedule hereto, showing, in respect of any debtor of whose property money has been levied, the following particulars. Notice to be posted up in sheriff's office pending distribution.

(a) The amounts levied and the dates of levy.

(b) Each execution, certificate, or order in his hands at the time of posting the notice, or subsequently received during the month, the amount thereof for debt and costs, and the date of receipt, and such statement shall be amended from time to time as an additional amount is levied, or a new execution, certificate or order is received.

16. The sheriff shall at all times answer gratuitously any reasonable question which he may be asked in respect to the estate of the debtor by any creditor, or any one acting upon behalf of a creditor, and shall facilitate the obtaining by any such creditor or person full information as to the value of the estate in his county, and the probable dividend to be realized therefrom in his county, or any other information in connection with the estate which the creditor may reasonably desire to obtain. Sheriff to give information as to estate of debtor.

17. Where the money levied is insufficient to pay all claims in full, and the time has come for distributing the money levied, the sheriff may forthwith distribute the same as directed by this Act, or he may first prepare for examination by the debtor and his creditors a list of the creditors entitled to share in the distribution of the amount levied, with the amount due to each for principal, interest and costs; such list to be arranged so as amongst other things to shew the amount going to each creditor under the provisions of this Act, and the total amount to be distributed; and the sheriff may deliver, or send (prepaid and registered) by post, to each creditor or his solicitor or attorney, a copy of the list, with the several particulars aforesaid; and in such case the further proceedings may be as follows: Distribution by sheriff where amount levied insufficient to meet claims.

(1) If within eight days after all the said copies have been delivered or posted, or within any further time the judge may allow, no objection is made as provided by this Act, the sheriff shall make distribution forthwith agreeably to such list.

(2) In case any objection is made as provided by this Act, the sheriff shall forthwith distribute such an amount of the money made, and to such persons *pari passu*, as may not interfere with the effect of the objection in case the same should be allowed.

(3) The sheriff may disregard objections which are frivolous, or manifestly insufficient to interfere with the distribution proposed, and distribute as if such objections had not been made.

(4) Any person prejudiced by the proposed scheme of distribution, may contest the same in manner following, viz., by giving a notice in writing to the sheriff, stating therein distinctly his objection to the scheme (or any part thereof) and the grounds of objection, and by, at the same time, delivering to the sheriff an affidavit of previous service of a copy of the notice on the debtor and the creditors interested in resisting the objection, unless the judge shall by order have dispensed with such service, or on affidavit of such service as the judge shall have sanctioned.

(5) The contestant shall, within eight days thereafter, apply (upon notice) to the judge for an order adjudicating upon the matter in dispute ; and otherwise the contestation shall be taken to be abandoned. The notice may be in the Form G in the schedule hereto.

(6) The judge may determine any questions in dispute in a summary manner, or may direct an issue or action for the trial thereof, either by a jury or otherwise and in any court, and may make such order as to the costs of the proceedings as may be just.

(7) In the event of a claimant under a contestation being held not entitled, or only entitled to part only of his claim, the money retained pending the contestation, or the portion as to which the claimant shall have failed, shall be distributed among the execution creditors and other creditors who would have been entitled thereto, as the same would have been distributed had the claim in respect thereof not been made.

Directions by judge to avoid unnecessary parties and trials.

18. In case several creditors are interested in any contestation, either for or against the same, the judge shall have authority to give, and shall give, such directions for saving the expense of an unnecessary number of parties and trials, and of unnecessary proceedings, as may be just, and he shall direct by whom and in what proportions any costs incurred in the contestation, or in any proceedings thereunder, shall be paid ; and whether any and what costs shall be paid out of the money levied.

Direction by judge to sheriff where claims disputed.

19. The judge may, if he sees fit, direct the sheriff to levy for an amount sufficient to cover a claim which is in dispute, or part thereof, or in case it appears to the judge that it is improbable that the defendant has other sufficient property, may order the sheriff to retain in his hands during the contestation the share which, if the claim is sustained, will be apportionable to it, or may make an order combining the orders above authorized, or such similar order as may be just.

(2) An order to levy under this section shall clothe the sheriff with the same authority as he would possess under writs of execution, duly issued against the debtor, directing the said sheriff to levy the like amount out of the goods, chattels, lands and tenements of the debtor.

Decisions to be binding on all creditors.

20. The decision of a county court judge or the court of appeal under this Act, shall bind all creditors, unless it appears that the decision was obtained by fraud or collusion by the parties to the contestation.

Sheriff to deposit moneys in bank.

21. In case a sheriff has money in his hands, which, by reason of the provisions of this Act, or otherwise, he cannot immediately pay over to the execution creditors, or other claimants under this Act, he shall deposit the money, whenever the same amounts to one hundred dollars, in some incorporated bank designated for this purpose from time to time by order of the Lieutenant-Governor in Council, or where there is no such bank, then in some incorporated bank in which public money of the Province is then being deposited: such deposit to be made in the name of the sheriff, not generally, but to a special account in his name as "Trustee for the creditors of " (the debtor).

Attaching orders by sheriff or creditors.

22. Where there are in the sheriff's hands several executions and claims, and there are not, or do not appear to be, sufficient lands or goods, as the case may be, to pay all, with his own fees, he may apply for an order attaching any debt owing to the execution debtor by any persons resident in the county of such sheriff, whether such debt is owing by such person alone or jointly with any other person not resident in such county, and to procure such attachment the sheriff may take the same proceedings as a creditor; and in such case any writ of execution, or other writ in the course of the proceedings, may be directed to him in the same manner as if the attachment were by a creditor; and what comes to the sheriff's hands in respect of the debts attached, he shall distribute in the same manner as if he had realized the same from property seizable by him under execution;

(2) In case the sheriff does not take such proceedings, any person entitled to distribution may take the same for the common benefit of himself and all other persons entitled to distribution as aforesaid, and the person owing the attached debt shall pay the same to the sheriff;

(3) Any judgment creditor who attaches a debt shall be deemed to do so for the common benefit of himself and all creditors entitled under this Act; payment of such debt shall be made to the sheriff, who in making distribution will apportion to such judgment creditor a share *pro rata*, according to the amount owing upon his judgment, of the whole amount to be distributed under the provisions of this Act, but such share shall not exceed the amount recovered by such garnishee proceedings unless the judgment creditor has placed a writ in the sheriff's hands;

(4) Money garnished and paid into the sheriff's hands shall be deemed to be money levied under execution, within the meaning of this Act, except that, unless the garnishee proceedings were taken by him, the sheriff shall only be entitled to

charge poundage on such moneys at the rate of one and a quarter per cent.

Appeal.

23. If any party to any contestation, matter, or thing upon which a judge has made or rendered any final order or judgment, is dissatisfied with such order or judgment, and the same is in respect to a question involving a sum greater than one hundred dollars, he may appeal therefrom to the court of appeal, subject to the like practice as near as may be, including the giving of security for costs, as may be from time to time in force in respect of appeals from the county court, unless and until the judges of the said Court of Appeal shall enact rules establishing a different practice for such proceedings under this Act, and the said judges, or a majority of them, are hereby authorized to frame and enact rules to govern such practice.

R.S.O., c. 49, S. 45 to apply.

24. The provisions of the forty-fifth section of "The Administration of Justice Act" shall apply to this Act.

Affidavits how taken.

25. Affidavits required by this Act may be taken before any commissioner or other person authorized to administer oaths for use in any of the superior courts.

Powers of judge.

26. A judge for the purpose of giving effect to this Act and carrying out its provisions shall have all the powers which a county court or a judge thereof has by law for other purposes; and any proceedings wrongly taken under this Act may be set aside by the judge, with or without costs as he may think fit, in the same manner as other proceedings wrongly taken in his court.

Defects of form.

27. No proceeding under this Act shall be void for any defect of form; and the rules, for amending or otherwise curing irregularities or defects, which may from time to time be in force in the county courts shall apply to this Act.

Act not to interfere with Insolvency Laws.

28. This Act is not intended to interfere with the Insolvency Laws which may from time to time be in force in this Province, but this Act is intended to be subject to such laws, and subject as aforesaid to apply to all debtors whether solvent or not.

SCHEDULE OF FORMS.

FORM A.

(*Section* .)

SHERIFF'S NOTICE.

Notice is hereby given that I have, by virtue of certain executions delivered to me against the goods and chattels (*or* lands) of C. D., levied and made out of the property of the said C. D., the sum of $

And notice is further given that this notice is first posted in my office on the *first day of May, 1880*, and that distribution

of the said money will be made amongst the creditors of the said C. D. entitled to share therein, at the expiration of one month from the said first day of March.

F. G.

Dated 1st May, 1880. *Sheriff.*

FORM B.

(Section 8, sub-s. 1.)

AFFIDAVIT OF CLAIM.

THE CREDITORS' RELIEF ACT, 1880.

In the County Court of the County of [*state county or united counties in which it is intended proceedings shall be taken*].

A. B.....Claimant,

vs.

C. D.....Debtor.

I, A. B., of in the county of Merchant (*or as the case may be*) make oath and say:—

1. I am the above named claimant (*or* the duly authorized agent of the claimant in this behalf, and have a personal knowledge of the matter hereinafter deposed to).

2. The above named debtor is justly and truly indebted to me (*or* to the above named claimant) in the sum of dollars for [*here state shortly the nature and particulars of the claim as they are required to be stated upon a specially endorsed writ*].

Sworn before me at this day of A. D. 188

FORM C.

(Section 8, sub-s. 2.)

NOTICE TO BE SERVED WITH CLAIM.

THE CREDITORS' RELIEF ACT, 1880.

In the County Court of the County of

A. B.....Claimant,

vs.

C. D.....Debtor.

To the above (*or* within) named debtor.

Take notice that the claimant intends to file with the clerk of the County Court of (*or* of the united counties of) the original affidavit of claim of which a duplicate is served herewith, and that this proceeding is taken by reason of there being in the hands of the sheriff of the said county (*or* united counties) a writ of execution against your goods and chattels (*or* lands), and that the claimant intends to call on the sheriff to levy the amount of the said debt from your property under the authority of "The Creditors' Relief Act, 1880."

And further, take notice that in case you desire to dispute the said claim, or any part thereof, you must, within ten days after

the service of this notice upon you, file with the clerk of the said court an affidavit stating that you have a good defence to the said claim on the merits, or that you have such defence to a specified part of the claim, otherwise such claim will be treated as admitted by you, or may be so treated as to the part not disputed.

You are further hereby notified that unless you endorse upon such affidavit filed by you a statement of some place in, or within three miles of the county town of the said county (*or* united counties) at which service may be made upon you, or the address of some solicitor in the Province of Ontario who may be served on your behalf, service may be made upon you of any notice, paper, or document requiring service, by mailing the same enclosed in an envelope addressed to you at said county town.

NOTE.—In case the above notice is endorsed upon the copy of the affidavit served, the heading of the notice may be omitted. Where further time is given by a judge, the notice should be varied accordingly.

FORM D.

(*Section* 8, *sub-s.* 3.)

AFFIDAVIT OF SERVICE OF CLAIM.

THE CREDITORS' RELIEF ACT, 1880.

In the County Court of the County of

A. B.....Claimant,

vs.

C. D.....Debtor.

I, G. H., of in the county of make oath and say:—

1. That I did, on the day of personally serve C. D., the above named debtor, with an original affidavit identical with the annexed affidavit, and that there was at the time the said affidavit was so served, attached to (*or* endorsed upon) the said affidavit so served a true copy of the notice addressed to the debtor now attached to (*or* endorsed upon) the said annexed affidavit.

Sworn before me at
this day of
A. D. 1880.

FORM E.

(*Section* 8, *sub-ss.* 5 *and* 17.)

CERTIFICATE OF PROOF OF CLAIM.

THE CREDITORS' RELIEF ACT, 1880.

In the County Court of the County of

A. B.....Claimant,

vs.

C. D.....Debtor.

I, clerk of the County Court of the County of , do hereby certify that the above named claimant did on the day of file with me a claim against the above named debtor, for the sum of together with an affidavit of personal service thereof (*or as the case may require*) and of the notice required by the Creditors' Relief Act, 1880, upon the said debtor, and that it thereby appears that such service was made upon the said debtor on the day of

And I further certify that the debtor has not disputed the said claim (*or*, has only disputed the sum of portion of the said claim, *or as the case may be*), and that the claimant is entitled to the sum of against the said debtor (*where it is the duty of the clerk to tax costs, add* and the further sum of for costs of *stating shortly in respect of what the costs are allowed*).

FORM F.

(*Section* 15.)

SHERIFF'S NOTICE OF EXECUTIONS ON HAND AGAINST *C. D.*

Cause.	Proceeding.	Claim without Costs.	Costs.	Date of receipt by Sheriff.	Amount Levied.	Date of Levy.
		$	$		$	
A. B. *vs.* C. D	*Fi. fa.* goods..	504	30	18th Feb., 1880 ..	500	1st May, 1880.
F. G. *vs.* C. D. & E. G.	*Fi. fa.* lands ..	400	20	1st March, 1880..	300	3rd May, 1880. Nothing made against E. G.
K. L. *vs.* C. D ...	Garnishee order	500	30	.....	700	10th May, 1880.
M. N. *vs.* C. D....	Creditor's Certificate	400	5	15th May, 1880.		

FORM G.

(*Section* 17, *sub-section* 5.)

CONTESTATION OF SCHEME OF DISTRIBUTION.

The Creditors' Relief Act, 1880.

In the County Court of the County of

A. B.....Claimant,

vs.

C. D.....Debtor.

To F. G. and M. N., claimants of moneys levied by the Sheriff of the County of out of the estate of C. D.

Take notice that I will on the day of next apply to the judge of the County Court of the County of at his chambers at the court house in the Town of for an order adjudicating upon the right of you the said to rank upon the said moneys for any amount whatever (*or as the case may be*); and further take notice that I will, upon the said application, read the affidavits of E. F. and X. Y. filed with the clerk of the said court.

No. 102.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to abolish priority of and amongst Execution Creditors.

First Reading, 3rd February, 1880.

The Attorney-General.

TORONTO:
Printed by C. Blackett Robinson.

No. 102.] **BILL.** [1880.

An Act to abolish priority of and amongst Execution Creditors.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be cited as "The Creditors Relief Act, 1880." Short title.

2. In this Act the word "sheriff" shall include coroners; the word "judge" shall mean the judge of the county court of the county or district in which the claims are fyled, and shall include a junior or deputy-judge, or a judge of another county authorized by law to act for the judge of the county court in which the claims are fyled. If a judge is disqualified to act in any matter arising under this Act, the judge of the county court of an adjoining county shall have jurisdiction in such matter in his place. Any authority by this Act conferred upon a judge of a county court may also be exercised by the court. Interpretation.

3. This Act shall not affect the rights of execution creditors under writs of execution delivered to a sheriff before this Act takes effect. Certain rights not affected.

4. Subject to the provisions hereinafter contained, there shall be no priority between or among *creditors by execution from Superior or County Courts.* Priority abolished

5. In case a sheriff levies any money upon an execution against the property of a debtor, he shall forthwith *enter in a book to be kept in his office, open to public inspection without charge,* a notice stating that such levy has been made, and the amount thereof; and such money shall thereafter be distributed, ratably, amongst all execution creditors and other creditors whose writs, or certificates given under this Act, were in the sheriff's hands at the time of such levy, or who shall deliver their writs or certificates to the said sheriff within one calendar month from the *entry* of such notice; subject, however, to the provisions hereinafter contained as to the retention of dividends in the case of contested claims, and as to the payment of the costs of the creditor under whose writ the amount was made; Sheriff, after levy, to post up notice thereof. Distribution.

(2) The said notice shall state the day upon which it was *entered* and may be in Form A, given in the schedule hereto. Form of notice.

(3) In case the sheriff shall, subsequently to the *entry* of such notice, but within the said month, levy any further amount from the property of a debtor, the same shall be dealt with as if such amount had been levied prior to the *entry* of the said Provisions in case of subsequent levy.

notice, but if after such month any further amount is levied a new notice shall be *entered*; and the distribution to be made of the amount so levied and of any further amount levied within a month of the *entry* of such last mentioned notice shall be governed by the *entry* of such last mentioned notice in accordance with the foregoing provisions of this section; and so on from time to time.

Who entitled to share in distribution.

6. No creditor shall be entitled to share in the distribution of money levied out of the property of a debtor unless either by the delivery of a writ of execution, or otherwise under this Act, such creditor has established a claim against such debtor either alone or jointly with some other person or persons.

Proceedings where debtor allows executions to remain unsatisfied.

7. If a debtor permits an execution issued against him under which any of his goods or chattels are seized by a sheriff, to remain unsatisfied in the sheriff's hands till within *two* days of the time fixed by the sheriff for the sale thereof, or for *twenty* days after such seizure, or allows an execution against his lands to remain unsatisfied for nine months after it is placed in the sheriff's hands, the following proceedings may be taken by other creditors in respect of debts which are overdue, in lieu of their obtaining judgments and executions against the debtor in the ordinary way;

Affidavit by creditor.

(1) An affidavit of the debt and the particulars thereof may be made in duplicate by the creditor, or by one of the creditors in case of a joint debt, or by his or their clerk or some other person on behalf of the creditor or creditors, and cognizant of the facts; which affidavit may be to the effect of form B in the schedule to this Act; ☞ prior to or simultaneously with the filing with the clerk of the county court of the first affidavit made under this sub-section, there shall be filed with the said clerk the certificate of the sheriff, or an affidavit, shewing that such proceedings have been had against the debtor as entitle the creditor to proceed under this Act; ☜

Service on debtor.

(2) The claimant is to serve on the debtor one of the said duplicates, and a notice stating that the claimant intends to fyle the other duplicate affidavit with the clerk of the county court by reason of there being in the sheriff's hands a writ of execution against the goods and chattels (or lands) of the debtor, and that the claimant intends to call on the sheriff to levy the said debt of the property of the said debtor under the authority of this Act; which notice is to contain the other particulars, and may be in the form C, given in the schedule to this Act; the said notice may be either attached to the affidavit served, or endorsed thereon; where the affidavit is to be served out of Ontario the judge shall limit the time at which the next step may be taken by the claimant as hereinafter provided;

Notice by debtor of Solicitor on whom claims may be served.

☞ (3) An execution debtor may give notice in writing to the sheriff that any claims to be served upon him may be served upon any solicitor in the Province, whose name and address shall be given, or by mailing the same to an address stated in such notice, the sheriff shall thereupon enter such notice in the said book, and so long as any execution, which was in the sheriff's hands at the time such notice was given shall remain in his hands, shall repeat such entry immediately below any "Notice A" given in respect of such execution, unless such notice be revoked in writing, in which case the entry or entries thereof shall be marked "revoked;"

(4) So long as the said notice remains unrevoked as aforesaid, any affidavit of claim and accompanying notice under this Act, may be served upon an execution debtor by serving the same upon such solicitor in accordance with this Act, where a solicitor is named, or if mailing is required, then by mailing the same, enclosed in an envelope, prepaid and registered, to the address given in such notice, and such service shall have the same effect, and may be followed by the like proceedings as personal service; Service on Solicitor.

(5) In case the notice does not state some place in or within three miles of the county town of the county in which the proceedings are being taken, at which service may be made upon the claimant, or does not give the name and address of some solicitor in the Province who may be served in the claimant's behalf, service of any notice, paper or document requiring service may be made upon the claimant by mailing the same, prepaid and registered, enclosed in an envelope addressed to the claimant at such county town; Service on claimant.

(6) The claimant is to fyle with the clerk of the county court of the county, the sheriff of which has the execution, one of the said duplicate affidavits of claim, and a copy of the said notice, with an affidavit of due service; which affidavit of service may be in the form D; Affidavits to be fyled with clerk of county clerk.

(7) The copy of affidavit and the notice shall, where practicable, be personally served upon the debtor; but if it be made to appear to a judge that the claimant is unable to effect prompt personal service, the judge may make such order for substituted or other service, or may appoint some act to be done which shall be deemed sufficient in lieu of service, as may seem just; Mode of service.

(8) If the claim is not disputed in manner hereinafter mentioned, the said county court clerk—after ten days from the day of personal service, or within the time mentioned in the order (as the case may be), on application and the fyling with him of proof of personal service upon the debtor of an affidavit and notice in accordance with this Act, or proof of compliance with a judge's order in that behalf, or upon the determination of the dispute in favour of the claimant, either in whole or in part—shall deliver to the creditor, or any one on his behalf, a certificate to the effect of Form E, in the schedule hereto; and in case the claim is only disputed as to a part, the creditor may elect, by a writing fyled with the clerk, to abandon such part and obtain a certificate as to the residue; Certificate to be given to creditor where claim not disputed.

(9) This certificate is to be delivered to the sheriff, and thereby from the time of such delivery the claimant shall be deemed to be an execution creditor within the meaning of this Act, and to be entitled to share with creditors who have in the sheriff's hands executions against either lands or goods whatever money is made under such executions, as if he had delivered to the sheriff an execution against lands or goods, or both, as the case may be, and such certificate is in like manner to bind the lands and goods of the debtor; subject however to the debt being afterwards disputed as hereinafter provided for; Effect of certificate.

(10) A certificate under this Act shall be deemed to be an execution within the meaning of the Revised Statute respecting interpleading; Certificate an execution within interpleader Act.

(11) If the certificate is obtained by a solicitor, the name and place of abode of such solicitor are to be endorsed theron; and if such certificate is sued out by the claimant in person Address for service to be endorsed on certificate.

there shall be endorsed thereon a statement of some place in, or within three miles of, the county town of the county in which the proceedings are being taken, at which service may be made upon the claimant; and, in default thereof, service of any notice, paper or document requiring service, may be made upon the claimant by mailing the same, prepaid and registered, enclosed in an envelope addressed to the claimant at such county town;

On receipt of certificate sheriff to make further levy.

(12) On receiving the said certificate the sheriff shall make a further seizure of the lands and tenements, or goods and chattels, as the case may be, (if any) of the debtor to the amount of the debt so claimed and the sheriff's fees; and so on from time to time in case more notices are received after the further seizure so made;

Disputing claim.

(13) The claim may be disputed by the execution debtor, or by a creditor interested in disputing the same;

Affidavit of debtor.

(14) If the debtor disputes the same, he is for that purpose to fyle with the clerk an affidavit stating that he has a good defence to the claim on the merits, or that he has such defence to a specified part of the claim; but the judge may dispense with such affidavit on terms or otherwise;

Fyling and service of affidavit.

Address for service.

(15) The debtor is to fyle such affidavit and *serve upon* the claimant a copy thereof within ten days after the personal service upon him of the affidavit of claim and the notice, or within the time which the judge by an order dispensing with personal service directed, or within any further time which in either case the judge may allow; such affidavit is to have endorsed thereon a statement of some place in, or within three miles of, the county town of the county in which the proceedings are being taken, at which service may be made upon the debtor, or the address of some solicitor in the Province who may be served in the debtors' behalf, and in default thereof, service of any notice, paper, or document requiring service, may be made upon the debtor by mailing the same prepaid and registered, enclosed in an envelope addressed to the debtor at such county town;

Creditor disputing claim.

(16) If the dispute is by a creditor, he is for that purpose to fyle with the said clerk an affidavit to the effect, that he has reason to believe that the debt claimed is not really and in good faith due from the debtor to the claimant; but the judge may dispense with such affidavit on terms or otherwise;

Time for fyling affidavit.

(17) Such affidavit by a creditor may be so fyled, and a certificate thereof delivered to the sheriff, at any time before distribution is made;

Distribution by sheriff in case of contestation.

(18) In case of a claim being disputed by a creditor after a certificate has been placed in the sheriff's hands, the sheriff, unless the judge otherwise orders, shall proceed and levy as if such contestation had not been made, and the sheriff shall, until the determination of the contestation, retain in the bank the amount which would be apportionable to such claim if valid, and he shall, as soon after the expiry of the said month as practicable, distribute the residue of the money made amongst those entitled;

Proceedings to enforce claim.

(19) The claimant whose claim is disputed may apply to a judge for an order allowing his claim and determining the amount; and in case he does not make such application within eight days of his receiving notice of the contestation (or within such further time, if any, as the judge upon the delays being reasonably accounted for may allow), he shall be taken to have

abandoned his claim; if the disputant is a creditor and there is reason to believe that the contestation is not being carried on in good faith, any other creditor may apply for an order permitting him to intervene in the contest;

Mode of determining questions in dispute.

(20) The judge may determine any questions in dispute in a summary manner, or may direct an action or issue, in any court *or county*, for the trial thereof, and may make such order as to the costs of the proceedings as may be just;

Where sum in dispute is over $400.

(21) Where there is a dispute as to material facts, and the sum in controversy appears to be over $400, exclusive of costs, the judge shall direct the trial to be in one of the superior courts, and may name the county in which the trial is to take place, subject to any order which the superior court or a judge thereof may see fit to make in that behalf. In case an issue is directed it shall be tried in all respects as if it had been a suit in the court in which it was ordered to be tried;

Examination of parties.

(22) The same proceedings may be had for the examination of parties or others, either before or at the trial, as may be taken in an ordinary action, and such proceedings may also be taken prior to the application to the judge, and as a foundation therefor;

Proceedings by creditor who has obtained a division court judgment.

(23) A creditor who has recovered a judgment in a division court against the debtor may serve upon the sheriff a memorandum of the amount of his judgment and of the costs to which he is entitled, under the hand of the clerk and the seal of the division court; and such memorandum so served shall have the same effect for the purposes of this Act as if the creditor had delivered to the sheriff a writ of execution directed to the said sheriff from a county court;

Establishing claim in second county.

(24) Where a creditor has taken in one county the prescribed proceedings in respect of his claim, and desires to establish his claim for the purposes of this Act in another county also, he may do so by obtaining from the said county court clerk another certificate (Form E), and delivering the same to the sheriff of such other county, and the delivery of such certificate to such sheriff shall have the same effect for the purposes of this Act in the county in which the same takes place, from the day of such delivery, as if a new notice and affidavit of claim had been served for such county and other proceedings had in respect thereof under the previous provisions of this Act;

Writs may be sued out into any county.

(25) A creditor, entitled to a certificate from the county court clerk, may, if he chooses, sue out a writ or writs of execution into any county in the same manner as on an ordinary judgment;

Decision in one county binding in others.

(26) In case a claim is contested in one county, the decision in such county shall, as between the parties to it, determine the amount of the claim for the purposes of this Act in all other counties in which the claim is fyled, and the certificate of the clerk of the county court of the county in which the contest has taken place, of the result thereof, shall be *prima facie* proof of such decision. Such certificate shall, upon payment of a fee of fifty cents, be granted to any party to the proceedings who applies therefor;

Clerk of county court to keep book of reference.

(27) The clerk of the county court shall keep a book in which *before granting a certificate or issuing an execution for a claim,* he shall enter the following particulars with reference to every claim in respect of which he gives a certificate under this Act;

(*a*) The name of every claimant, and of every debtor;

(*b*) *The date of entry of judgment.*

(*c*) The amount of debt, exclusive of costs;

(*d*) The amount of costs;

(*e*) If the proceedings have been set aside, this fact, and shortly, the reason therefor;

Effect of Entry.

(28) Such entry shall (subject to the provisions of this Act) be an award of judgment for the said debt and costs, and shall have the same effect as an entry of judgment for non-appearance to a specially endorsed writ.

Index to book of reference.

The clerk shall index the entries in said book alphabetically under the name of every debtor;

Copy of entry evidence.

(29) In case the original papers happen to be lost or destroyed, a copy of the entry in such book shall be evidence of all matters therein set forth and expressed;

Granting time to debtor.

(30) With respect to claims, the Judge before or after a certificate is issued by the clerk under this Act, or delivered to the sheriff, may, on the application of the debtor, and notice to a claimant, give to the debtor further time to pay the claim where the Judge is of opinion that this can be done without injustice to the creditor, or may give to the debtor further time on terms which in the opinion of the Judge may be just. There may be successive orders for this purpose, but no claim shall be delayed by such orders for more than *three* months in all;

Preceding sub-section not to apply in certain cases.

(31) The preceding sub-section is not to apply to creditors who have obtained judgment in the ordinary way; and the orders for time are not to prejudice executions obtained by such creditors on such judgments;

Payment by debtor before sale.

(32) In case the debtor, without any sale by the sheriff, pays the full amount owing in respect of the executions and claims in the Sheriff's hands at the time of such payment, and no other claim has been served on the debtor, or in case all executions and claims in the sheriff's hands are withdrawn, and any claims served are paid or withdrawn, no notice shall be entered as required by the fifth section of this Act, and no further proceedings shall be taken under this Act against the debtor by virtue of the executions having been in the sheriff's hands;

Effect of expiry or withdrawal of writs.

(33) *Save as aforesaid* after a certificate has been filed with the sheriff, the withdrawal or expiry of the writ, or writs, upon which the proceedings are founded, or any stay upon such writ, or writs, or the satisfaction of the plaintiff's claim thereon, or the setting of such writ or writs aside, *or the return thereof,* shall not affect the proceedings to be taken under this Act, and except so far as the action taken in regard to such writ may affect the amount to be levied, the sheriff shall proceed and levy upon the goods or lands of the debtor, or both, as he would have proceeded had such writ or writs remained in his hands in full force to be executed, and may also take the like proceedings as he would have been entitled to take had such writ or writs been a writ or writs of *venditioni exponas;*

Service on Toronto agent.

(34) When the name or address of a solicitor is given for service and the place of abode or office of such solicitor is not in or within three miles of the county town where the proceedings are carried on, service may be made upon him by serving his agent in Toronto.

8. The clerk shall ascertain and state in his said certificate, the amount of the costs to which the claimant is entitled as against the debtor, such costs shall be the following: Costs of claimant.

(1) For serving the affidavit of claim, to be allowed upon the superior court scale in the case of claims over four hundred dollars, and on the county court scale in the case of claims exceeding two hundred dollars and not exceeding four hundred dollars, or on the division court scale in the case of claims of two hundred dollars and under.

(2) If the claim does not exceed two hundred dollars no greater fees are to be allowed for service of the claim and notice and mileage in respect thereof, than would be allowable to the division court bailiff for the service of a division court summons and mileage in respect thereof, if the claim had been sued in the proper division court.

(3) The fees paid to the county court clerk under this Act are also to be allowed, which fees shall be the same as he is allowed for like proceedings in the county court, unless the claim appears to be within the jurisdiction of the division court, in which case his fees shall be those allowed for like proceedings in the division court.

(4) Where there is no contest the sum of five dollars for fees of a solicitor (if employed), unless the amount of the claim is within the jurisdiction of the division court, in which case the sum of two dollars only is to be allowed;

(5) In case of a contest, such additional costs (if any) as the judge may allow, and which costs shall be taxed according to the scale of the Superior Courts, County Courts, or Division Courts, according as the amount in dispute is within the jurisdiction of one or other of these courts.

(6) The costs of obtaining an order for substituted service, or other similar order and of such service, or the costs of and incidental to service out of the Province; in either case to be taxed by the clerk of the court, and stated in his certificate aforesaid; if the claim is within the jurisdiction of the division court, only such a sum to be allowed for costs as would have been incurred in obtaining a judgment in the division court.

9. If the sheriff does not find sufficient property of a debtor leviable under executions and claims in his hands to pay the same in full, and the sheriff finds any goods and chattels in the hands of the bailiff of a division court under a writ of execution or attachment against the debtor, the sheriff shall demand and obtain such goods and chattels from the bailiff, who shall forthwith deliver the same to the sheriff, with a copy of every writ of execution in his hands against the debtor, and a memorandum shewing the amount to be levied thereunder, including the bailiff's fees so far as proceedings have been taken by him, and shewing the date upon which each writ was received by him. Sheriff may obtain goods in hands of division court bailiff.

(2) In case the bailiff fails to deliver any of such goods, he shall pay a penalty of double the value of the property retained, such double value to be recovered by the sheriff from the bailiff with costs of suit, and to be by the sheriff accounted for as part of the estate of the debtor; Penalty.

(3) The sheriff shall distribute the proceeds of such property amongst the creditors of the debtor under the provisions of this Act, and the division court execution creditors shall be Distribution.

entitled, without further proof, to stand in the same position as execution creditors whose writs are in the sheriff's hands.

Mode of apportioning money where amount insufficient to pay claims in full.

10. Where the amount levied by a sheriff is not sufficient to pay the execution debts and other claims, with costs, in full, the money shall be applied *to the payment ratably of such debts and the costs of the creditors*, after retaining the sheriff's fees.

Levying interest and costs of renewing certificate.

11. The sheriff, if so directed by an endorsement upon the certificate, shall, in addition to the amounts named in the certificate, levy interest thereon from the date of the certificate, or the date named in that behalf in the certificate, and also the sum of one dollar and thirty-five cents for every renewal of the certificate; and where such renewal is made upon the application of a solicitor, he shall levy the sum of one dollar and twenty-five cents for his costs on the renewal.

Sheriff's poundage.

12. Where money is to be distributed by a sheriff under this Act, the sheriff shall not be entitled to poundage as upon separate writs or claims, but only upon the net proceeds of the estate distributable by him, and at the same rate as if the whole amount had been payable upon one writ.

Money made on any writ to be considered as made on all writs entitled to benefit thereof.

Return.

13. Where money is made upon any writ, the same shall be taken for the purposes of the sheriff's return and otherwise, to be made upon all the writs or certificates entitled to the benefit thereof, and the sheriff shall, upon payment being made to the person entitled upon any such writ or certificate, endorse thereon a memorandum of the amount so paid, but he shall not, except on the request of the party issuing the writ, or by direction of the court out of which the same issues, or of a judge having the authority of a judge of such court, return the writ until the same has been fully satisfied, or unless the same has expired by effluxion of time, in which case the sheriff shall, notwithstanding such expiry, make a formal return of the amount made thereon.

Time certificate to remain in force.

(2) A certificate issued under this Act shall remain in force for one year, from the date thereof and no longer, unless renewed, but such certificate may from time to time be renewed in the same manner as a writ of *fieri facias*, but notwithstanding the expiry of a writ or certificate prior to the termination of the month during which a notice of money having been made is under this Act required to be posted, the said writ and certificate shall, as to any money levied during such month, be deemed to be in full force and effect.

Compelling payment by sheriff.

(3) The like proceedings may be taken to compel payment by the sheriff of any money payable in respect to any execution or other claim as can now be had to compel the return by the sheriff of a writ of execution.

Notice to be posted up in sheriff's office pending distribution.

14. The sheriff shall, pending the distribution of moneys levied, keep *in the said book mentioned in section five* in his office, a statement according to form F in the schedule hereto, showing, in respect of any debtor of whose property money has been levied, the following particulars.

(a) The amounts levied and the dates of levy.

(b) Each execution, certificate, or order in his hands at the time of *entering the notice 'A' required by section five*, or sub-

sequently received during the month, the amount thereof for debt and costs, and the date of receipt, and such statement shall be amended from time to time as an additional amount is levied, or a new execution, certificate or order is received.

Sheriff to give information as to estate of debtor.

15. The sheriff shall at all times answer gratuitously any reasonable question which he may be asked *orally* in respect to the estate of the debtor by any creditor, or any one acting upon behalf of a creditor, and shall facilitate the obtaining by any such creditor or person full information as to the value of the estate in his county, and the probable dividend to be realized therefrom in his county, or any other information in connection with the estate which the creditor may reasonably desire to obtain.

Distribution by sheriff where amount levied insufficient to meet claims.

16. Where the money levied is insufficient to pay all claims in full, and the time has come for distributing the money levied, the sheriff may forthwith distribute the same as directed by this Act; or he may first prepare for examination by the debtor and his creditors a list of the creditors entitled to share in the distribution of the amount levied, with the amount due to each for principal, interest and costs; such list to be arranged so as amongst other things to shew the amount going to each creditor under the provisions of this Act, and the total amount to be distributed; and the sheriff may deliver, or send (prepaid and registered) by post, to each creditor or his solicitor or attorney, a copy of the list, with the several particulars aforesaid; and in such case the further proceedings may be as follows:

(1) If within eight days after all the said copies have been delivered or posted, or within any further time the judge may allow, no objection is made as provided by this Act, the sheriff shall make distribution forthwith agreeably to such list.

(2) In case any objection is made as provided by this Act, the sheriff shall forthwith distribute such an amount of the money made, and to such persons *pari passu*, as may not interfere with the effect of the objection in case the same should be allowed.

(3) The sheriff may disregard objections which are frivolous, or manifestly insufficient to interfere with the distribution proposed, and distribute as if such objections had not been made.

(4) Any person prejudiced by the proposed scheme of distribution, may contest the same in manner following, viz., by giving a notice in writing to the sheriff, stating therein distinctly his objection to the scheme (or any part thereof) and the grounds of objection, and by, at the same time, delivering to the sheriff an affidavit of previous service of a copy of the notice on the debtor and the creditors interested in resisting the objection, unless the judge shall by order have dispensed with such service, or on affidavit of such service as the judge shall have sanctioned;

(5) The contestant shall, within eight days thereafter, apply (upon notice) to the judge for an order adjudicating upon the matter in dispute; and otherwise the contestation shall be taken to be abandoned. The notice may be in the Form G in the schedule hereto;

(6) The judge may determine any questions in dispute in a summary manner, or may direct an issue or action for the trial thereof, either by a jury or otherwise and in any court *or county*, and may make such order as to the costs of the proceed-

ings as may be just. ☞This sub-section is subject to the same provisions as are set forth in the nineteenth sub-section of section seven of this Act;☜

(7) In the event of a claimant under a contestation being held not entitled, or only entitled to part of his claim, the money retained pending the contestation, or the portion as to which the claimant shall have failed, shall be distributed among the execution creditors and other creditors who would have been entitled thereto, as the same would have been distributed had the claim in respect thereof not been made.

Directions by judge to avoid unnecessary parties and trials.

17. In case several creditors are interested in any contestation, either for or against the same, the judge shall have authority to give, and shall give, such directions for saving the expense of an unnecessary number of parties and trials, and of unnecessary proceedings, as may be just, and he shall direct by whom and in what proportions any costs incurred in the contestation, or in any proceedings thereunder, shall be paid; and whether any and what costs shall be paid out of the money levied.

Direction by judge to sheriff where claims disputed.

18. The judge may, if he sees fit, direct the sheriff to levy for an amount sufficient to cover a claim which is in dispute, or part thereof, or in case it appears to the judge that it is improbable that the defendant has other sufficient property, may order the sheriff to retain in his hands during the contestation the share which, if the claim is sustained, will be apportionable to it, or may make an order combining the orders above authorized, or such similar order as may be just;

(2) An order to levy under this section shall clothe the sheriff with the same authority as he would possess under writs of execution, duly issued against the debtor, directing the said sheriff to levy the like amount out of the goods, chattels, lands and tenements of the debtor.

Decisions to be binding on all creditors.

19. The decision of a county court judge or the court of appeal under this Act, shall bind all creditors, unless it appears that the decision was obtained by fraud or collusion by the parties to the contestation.

Sheriff to deposit moneys in bank.

20. In case a sheriff has money in his hands, which, by reason of the provisions of this Act, or otherwise, he cannot immediately pay over to the execution creditors, or other claimants under this Act, he shall deposit the money, whenever the same amounts to one hundred dollars, in some incorporated bank designated for this purpose from time to time by order of the Lieutenant-Governor in Council, or where there is no such bank, then in some incorporated bank in which public money of the Province is then being deposited: such deposit to be made in the name of the sheriff, not generally, but to a special account in his name as "Trustee for the creditors of " (the debtor).

Attaching orders by sheriff or creditors.

21. Where there are in the sheriff's hands several executions and claims, and there are not, or do not appear to be, sufficient lands or goods, as the case may be, to pay all, with his own fees, he may apply for an order attaching any debt owing to the execution debtor by any persons resident in the county of such sheriff, whether such debt is owing by such person alone or

jointly with any other person *resident or* not resident in such county, and to procure such attachment the sheriff may take the same proceedings as a creditor; and in such case any writ of execution, or other writ in the course of the proceedings, may be directed to him in the same manner as if the attachment were by a creditor; and what comes to the sheriff's hands in respect of the debts attached, he shall distribute in the same manner as if he had realized the same from property seizable by him under execution;

(2) In case the sheriff does not take such proceedings, any person entitled to distribution may take the same for the common benefit of himself and all other persons entitled to distribution as aforesaid, and the person owing the attached debt shall pay the same to the sheriff;

(3) Any judgment creditor who attaches a debt shall be deemed to do so for the common benefit of himself and all creditors entitled under this Act; payment of such debt shall be made to the sheriff, who in making distribution will apportion to such judgment creditor a share *pro rata*, according to the amount owing upon his judgment, of the whole amount to be distributed under the provisions of this Act, but such share shall not exceed the amount recovered by such garnishee proceedings unless the judgment creditor has placed a writ in the sheriff's hands;

(4) Money garnished and paid into the sheriff's hands shall be deemed to be money levied under execution, within the meaning of this Act, except that, unless the garnishee proceedings were taken by him, the sheriff shall only be entitled to charge poundage on such moneys at the rate of one and a quarter per cent.

Appeal.

22. If any party to any contestation, matter, or thing upon which a judge has made or rendered any final order or judgment, is dissatisfied with such order or judgment, and the same is in respect to a question involving a sum greater than one hundred dollars, he may appeal therefrom to the court of appeal, subject to the like practice as near as may be, including the giving of security for costs, as may be from time to time in force in respect of appeals from the county court, unless and until the judges of the said Court of Appeal shall enact rules establishing a different practice for such proceedings under this Act, and the said judges, or a majority of them, are hereby authorized to frame and enact rules to govern such practice.

R.S.O., c. 49, S. 45 to apply.

23. The provisions of the forty-fifth section of "The Administration of Justice Act" shall apply to this Act.

Affidavits how taken.

24. Affidavits required by this Act may be taken before any commissioner or other person authorized to administer oaths for use in any of the superior courts.

Powers of judge.

25. A judge for the purpose of giving effect to this Act and carrying out its provisions shall have all the powers which a county court or a judge thereof has by law for other purposes; and any proceedings wrongly taken under this Act may be set aside by the judge, with or without costs as he may think fit, in the same manner as other proceedings wrongly taken in his court.

Defects of form.

26. No proceeding under this Act shall be void for any defect of form; and the rules, for amending or otherwise curing irregularities or defects, which may from time to time be in force in the county courts shall apply to this Act.

Scale of fees.

27. Beside the fees otherwise authorized to be paid to the clerk of the County Court for his own use, the following fees shall be levied on the following proceedings under this Act *upon* all claims filed, where the amount of the claim exceeds two hundred dollars, and the same shall be payable to the Crown in stamps, subject to the provisions of the Act respecting Law Stamps, and shall form part of the Consolidated Revenue Fund of the Province:—

	$ cts.
On an affidavit of claim, where the amount claimed exceeds $200 but does not exceed $400.....	0 75
On every such affidavit where the claim exceeds $400..	1 50
On every certificate of clerk given under sec. 7, where the claim exceeds $200, but does not exceed $400..	0 75
On every such certificate where the claim exceeds $400	1 50
On every order made by the Judge under sec. 7, where the claim exceeds $200, but does not exceed $400..	0 50
On every such order where the claims exceeds $400..	1 00

Where the claim is contested, on the proceedings after the order, the same fees as are now payable on like proceedings *in the Superior Courts of law.*

(R. S. O, chap. 39. sec. 53.)

Act not to interfere with Insolvency Laws.

28. This Act is not intended to interfere with the Insolvency Laws which may from time to time be in force in this Province, but this Act is intended to be subject to such laws, and subject as aforesaid to apply to all debtors whether solvent or not.

Time Act to take effect.

29. This Act shall not come into force until a day to be named by the Lieutenant-Governor by his proclamation.

SCHEDULE OF FORMS.

FORM A.

(Section 5, sub.-s. 2.)

SHERIFF'S NOTICE.

Notice is hereby given that I have, by virtue of certain executions delivered to me against the goods and chattels (*or* lands) of C. D., levied and made out of the property of the said C. D., the sum of $

And notice is further given that this notice is first posted in my office on the *first day of May, 1880*, and that distribution of the said money will be made amongst the creditors of the said C. D. entitled to share therein, at the expiration of one month from the said first day of *May*.

F. G.

Dated 1st May, 1880. *Sheriff.*

FORM B.

(Section 7, sub-s. 1.)

AFFIDAVIT OF CLAIM.

THE CREDITORS' RELIEF ACT, 1880.

In the County Court of the County of [*state county or united counties in which it is intended proceedings shall be taken*].

A. B.....Claimant,

vs.

C. D.....Debtor.

I, A. B., of in the county of Merchant (*or as the case may be*) make oath and say:—

1. I am the above named claimant (*or* the duly authorized agent of the claimant in this behalf, and have a personal knowledge of the matter hereinafter deposed to).

2. The above named debtor is justly and truly indebted to me (*or* to the above named claimant) in the sum of dollars for [*here state shortly the nature and particulars of the claim as they are required to be stated upon a specially endorsed writ*].

Sworn before me at
this day of
A. D. 188

FORM C.

(Section 7, sub-s. 2.)

NOTICE TO BE SERVED WITH CLAIM.

THE CREDITORS' RELIEF ACT, 1880.

In the County Court of the County of

A. B.....Claimant,

vs.

C. D.....Debtor.

To the above (*or* within) named debtor.

Take notice that the claimant intends to file with the clerk of the County Court of (*or* of the united counties of) the original affidavit of claim of which a duplicate is served herewith, and that this proceeding is taken by reason of there being in the hands of the sheriff of the said county (*or* united counties) a writ of execution against your goods and chattels (*or* lands), and that the claimant intends to call on the sheriff to levy the amount of the said debt from your property under the authority of "The Creditors' Relief Act, 1880."

And further, take notice that in case you desire to dispute the said claim, or any part thereof, you must, within ten days after the service of this notice upon you, file with the clerk of the said court an affidavit stating that you have a good defence to the said claim on the merits, or that you have such defence to a specified part of the claim, otherwise such claim will be treated as admitted by you, or may be so treated as to the part not disputed.

You are further hereby notified that unless you endorse upon such affidavit filed by you a statement of some place in, or within three miles of the county town of the said county (*or* united counties) at which service may be made upon you, or the address of some solicitor in the Province of Ontario who may be served on your behalf, service may be made upon you of any notice, paper, or document requiring service, by mailing the same enclosed in an envelope addressed to you at said county town.

NOTE.—In case the above notice is endorsed upon the copy of the affidavit served, the heading of the notice may be omitted. Where further time is given by a judge, the notice should be varied accordingly.

FORM D.

(*Section* 7, *sub-s.* 6.)

AFFIDAVIT OF SERVICE OF CLAIM.

THE CREDITORS' RELIEF ACT, 1880.

In the County Court of the County of

A. B.....Claimant,

vs.

C. D.....Debtor.

I, G. H., of in the county of make oath and say:—

1. That I did, on the day of personally serve C. D., the above named debtor, with an original affidavit identical with the annexed affidavit, and that there was at the time the said affidavit was so served, attached to (*or* endorsed upon) the said affidavit so served a true copy of the notice addressed to the debtor now attached to (*or* endorsed upon) the said annexed affidavit.

Sworn before me at
this day of
A. D. 1880.

FORM E.

(*Section* 7, *sub-ss.* 8 *and* 24.)

CERTIFICATE OF PROOF OF CLAIM.

THE CREDITORS' RELIEF ACT, 1880.

In the County Court of the County of

A. B.....Claimant,

vs.

C. D.....Debtor.

I, clerk of the County Court of the County of , do hereby certify that the above named claimant did on the day of file with me a claim against the above named debtor, for the sum of together with an affidavit of personal service thereof (*or as the case may require*) and of the notice required by the Creditors' Relief Act, 1880, upon the said debtor, and that it thereby appears that such service was made upon the said debtor on the day of

And I further certify that the debtor has not disputed the said claim (*or*, has only disputed the sum of portion of the said claim, *or as the case may be*), and that the claimant is entitled to the sum of against the said debtor *and the further sum of* *for costs.*

FORM F.

(*Section* 14.)

SHERIFF'S STATEMENT OF EXECUTIONS ON HAND AGAINST *C. D.*

Cause.	Proceeding.	Claim without Costs.	Costs.	Date of receipt by Sheriff.	Amount Levied.	Date of Levy.
		$	$		$	
A. B. *vs.* C. D	*Fi. fa.* goods..	504	30	18th Feb., 1880 ..	500	1st May, 1880.
F. G. *vs.* C. D. & E. G.	*Fi. fa.* lands ..	400	20	1st March, 1880..	300	3rd May, 1880. Nothing made against E. G.
K. L. *vs.* C. D	Garnishee order	500	30	.....	300	10th May, 1880.
M. N. *vs.* C. D....	Creditor's Certificate	400	5	15th May, 1880.		

FORM G.

(*Section* 16, *sub-section* 5.)

CONTESTATION OF SCHEME OF DISTRIBUTION.

The Creditors' Relief Act, 1880.

In the County Court of the County of

A. B.....Claimant,

vs.

C. D.....Debtor.

To F. G. and M. N., claimants of moneys levied by the Sheriff of the County of out of the estate of C. D.

Take notice that I will on the day of next apply to the judge of the County Court of the County of at his chambers at the court house in the Town of for an order adjudicating upon the right of you the said to rank upon the said moneys for any amount whatever (*or as the case may be*); and further take notice that I will, upon the said application, read the affidavits of E. F. and X. Y. filed with the clerk of the said court.

No. 102.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to abolish priority of and amongst Execution Creditors.

(Reprinted as Amended.)

1st Reading, 3rd February, 1880.
2nd " 17th " 1880.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 102.] BILL. [1880.

An Act to abolish priority of and amongst Execution Creditors.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be cited as "The Creditors Relief Act, 1880." Short title.

2. In this Act the word "sheriff" shall include coroners; the word "judge" shall mean the judge of the county court of the county or district in which the claims are fyled, and shall include a junior or deputy-judge, or a judge of another county authorized by law to act for the judge of the county court in which the claims are fyled. If a judge is disqualified to act in any matter arising under this Act, the judge of the county court of an adjoining county shall have jurisdiction in such matter in his place. Any authority by this Act conferred upon a judge of a county court may also be exercised by the court. Interpretation.

3. This Act shall not affect the rights of execution creditors under writs of execution delivered to a sheriff before this Act takes effect. Certain right not affected.

4. Subject to the provisions hereinafter contained, there shall be no priority between or among execution creditors. Priority abolished.

5. In case a sheriff levies any money upon an execution against the property of a debtor, he shall forthwith post up in his office, and until such money is distributed shall keep so posted, a notice stating that such levy has been made, and the amount thereof; and such money shall thereafter be distributed, ratably, amongst all execution creditors and other creditors whose writs, or certificates given under this Act, were in the sheriff's hands at the time of such levy, or who shall deliver their writs or certificates to the said sheriff within one calendar month from the first posting of such notice; subject, however, to the provisions hereinafter contained as to the retention of dividends in the case of contested claims, and as to the payment of the costs of the creditor under whose writ the amount was made; Sheriff, after levy, to post up notice thereof. Distribution.

(2) The said notice shall state the day upon which it was first posted, and may be in Form A, given in the schedule hereto. Form of notice

(3) In case the sheriff shall, subsequently to the posting of such notice, but within the said month, levy any further amount from the property of a debtor, the same shall be dealt with as if such amount had been levied prior to the posting of the said Provisions in case of subsequent levy.

notice, but if after such month any further amount is levied, a new notice shall be posted; and the distribution to be made of the amount so levied and of any further amount levied within a month of the posting of such last mentioned notice shall be governed by the posting of such last mentioned notice in accordance with the foregoing provisions of this section; and so on from time to time.

Who entitled to share in distribution.

6. No creditor shall be entitled to share in the distribution of money levied out of the property of a debtor unless either by the delivery of a writ of execution, or otherwise under this Act, such creditor has established a claim against such debtor either alone or jointly with some other person or persons.

Proceedings where debtor allows executions to remain unsatisfied.

7. If a debtor permits an execution issued against him under which any of his goods or chattels are seized by a sheriff, to remain unsatisfied in the sheriff's hands till within four days of the time fixed by the sheriff for the sale thereof, or for fifteen days after such seizure, or allows an execution against his lands to remain unsatisfied for nine months after it is placed in the sheriff's hands, the following proceedings may be taken by other creditors in respect of debts which are overdue, in lieu of their obtaining judgments and executions against the debtor in the ordinary way;

Affidavit by creditor.

(1) An affidavit of the debt and the particulars thereof may be made in duplicate by the creditor, or by one of the creditors in case of a joint debt, or by his or their clerk or some other person on behalf of the creditor or creditors, and cognizant of the facts; which affidavit may be to the effect of form B in the schedule to this Act;

Service on debtor.

(2) The claimant is to serve on the debtor one of the said duplicates, and a notice stating that the claimant intends to fyle the other duplicate affidavit with the clerk of the county court by reason of there being in the sheriff's hands a writ of execution against the goods and chattels (or lands) of the debtor, and that the claimant intends to call on the sheriff to levy the said debt of the property of the said debtor under the authority of this Act; which notice is to contain the other particulars, and may be in the form C, given in the schedule to this Act; the said notice may be either attached to the affidavit served, or endorsed thereon; where the affidavit is to be served out of Ontario the judge shall limit the time at which the next step may be taken by the claimant as hereinafter provided;

Service on claimant.

(3) In case the notice does not state some place in or within three miles of the county town of the county in which the proceedings are being taken, at which service may be made upon the claimant, or does not give the name and address of some solicitor in the Province who may be served in the claimant's behalf, service of any notice, paper or document requiring service may be made upon the claimant by mailing the same, prepaid and registered, enclosed in an envelope addressed to the claimant at such county town;

Affidavits to be fyled with clerk of county court.

(4) The claimant is to fyle with the clerk of the county court of the county, the sheriff of which has the execution, one of the said duplicate affidavits of claim, and a copy of the said notice, with an affidavit of due service; which affidavit of service may be in the form D;

Mode of service.

(5) The copy of affidavit and the notice shall, where prac-

ticable, be personally served upon the debtor; but if it be made to appear to a judge that the claimant is unable to effect prompt personal service, the judge may make such order for substituted or other service, or may appoint some act to be done which shall be deemed sufficient in lieu of service, as may seem just;

Certificate to be given to creditor where claim not disputed.

(6) If the claim is not disputed in manner hereinafter mentioned, the said county court clerk—after ten days from the day of personal service, or within the time mentioned in the order (as the case may be), on application and the fyling with him of proof of personal service upon the debtor of an affidavit and notice in accordance with this Act, or proof of compliance with a judge's order in that behalf, or upon the determination of the dispute in favour of the claimant, either in whole or in part—shall deliver to the creditor, or any one on his behalf, a certificate to the effect of Form E, in the schedule hereto; and in case the claim is only disputed as to a part, the creditor may elect, by a writing fyled with the clerk, to abandon such part and obtain a certificate as to the residue;

Effect of certificate.

(7) This certificate is to be delivered to the sheriff, and thereby from the time of such delivery the claimant shall be deemed to be an execution creditor within the meaning of this Act, and to be entitled to share with creditors who have in the sheriff's hands executions against either lands or goods whatever money is made under such executions, as if he had delivered to the sheriff an execution against lands or goods, or both, as the case may be, and such certificate is in like manner to bind the lands and goods of the debtor; subject however to the debt being afterwards disputed as hereinafter provided for.

Statute respecting interpleading applied.

(8) A certificate under this Act shall be deemed to be an execution within the meaning of the Revised Statute respecting interpleading;

Address for service to be endorsed on certificate.

(9) If the certificate is obtained by a solicitor, the name and place of abode of such solicitor are to be endorsed theron; and if such certificate is sued out by the claimant in person there shall be endorsed thereon a statement of some place in, or within three miles of, the county town of the county in which the proceedings are being taken, at which service may be made upon the claimant; and, in default thereof, service of any notice, paper or document requiring service, may be made upon the claimant by mailing the same, prepaid and registered, enclosed in an envelope addressed to the claimant at such county town;

On receipt of certificate sheriff to make further levy.

(10) On receiving the said certificate the sheriff shall make a further seizure of the lands and tenements, or goods and chattels, as the case may be, (if any) of the debtor to the amount of the debt so claimed and the sheriff's fees; and so on from time to time in case more notices are received after the further seizure so made;

Disputing claim.

(11) The claim may be disputed by the execution debtor, or by a creditor interested in disputing the same;

Affidavit of debtor.

(12) If the debtor disputes the same, he is for that purpose to fyle with the clerk an affidavit stating that he has a good defence to the claim on the merits, or that he has such defence to a specified part of the claim; but the judge may dispense with such affidavit on terms or otherwise;

Fyling and service of affidavit.

(13) The debtor is to fyle such affidavit and *serve upon* the claimant a copy thereof within ten days after the personal service upon him of the affidavit of claim and the notice, or within

the time which the judge by an order dispensing with personal service directed, or within any further time which in either case the judge may allow; such affidavit is to have endorsed thereon a statement of some place in, or within three miles of, the county town of the county in which the proceedings are being taken, at which service may be made upon the debtor, or the address of some solicitor in the Province who may be served in the debtors' behalf, and in default thereof, service of any notice, paper, or document requiring service, may be made upon the debtor by mailing the same prepaid and registered, enclosed in an envelope addressed to the debtor at such county town;

Address for service.

Creditor disputing claim.

(14) If the dispute is by a creditor, he is for that purpose to fyle with the said clerk an affidavit to the effect, that he has reason to believe that the debt claimed is not really and in good faith due from the debtor to the claimant; but the judge may dispense with such affidavit on terms or otherwise;

Time for fyling affidavit.

(15) Such affidavit by a creditor may be so fyled, and a certificate thereof delivered to the sheriff, at any time before distribution is made;

Distribution by sheriff in case of contestation.

(16) In case of a claim being disputed by a creditor after a certificate has been placed in the sheriff's hands, the sheriff, unless the judge otherwise orders, shall proceed and levy as if such contestation had not been made, and the sheriff shall, until the determination of the contestation, retain in the bank the amount which would be apportionable to such claim if valid, and he shall, as soon after the expiry of the said month as practicable, distribute the residue of the money made amongst those entitled;

Proceedings to enforce claim.

(17) The claimant whose claim is disputed may apply to a judge for an order allowing his claim and determining the amount; and in case he does not make such application within eight days of his receiving notice of the contestation (or within such further time, if any, as the judge upon the delays being reasonably accounted for may allow), he shall be taken to have abandoned his claim; if the disputant is a creditor and there is reason to believe that the contestation is not being carried on in good faith, any other creditor may apply for an order permitting him to intervene in the contest;

Mode of determining questions in dispute.

(18) The judge may determine any questions in dispute in a summary manner, or may direct an action or issue, in any court *or county*, for the trial thereof, and may make such order as to the costs of the proceedings as may be just;

Where sum in dispute is over $400.

(19) Where there is a dispute as to material facts, and the sum in controversy appears to be over $400, exclusive of costs, the judge shall direct the trial to be in one of the superior courts, and may name the county in which the trial is to take place, subject to any order which the superior court or a judge thereof may see fit to make in that behalf. In case an issue is directed it shall be tried in all respects as if it had been a suit in the court in which it was ordered to be tried;

Examination of parties.

(20) The same proceedings may be had for the examination of parties or others, either before or at the trial, as may be taken in an ordinary action, and such proceedings may also be taken prior to the application to the judge, and as a foundation therefor;

Proceedings by creditor who has obtained a division court judgment.

(21) A creditor who has recovered a judgment in a division court against the debtor may serve upon the sheriff a memorandum of the amount of his judgment and of the costs to which he is entitled, under the hand of the clerk and the

seal of the division court; and such memorandum so served shall have the same effect for the purposes of this Act as if the creditor had delivered to the sheriff a writ of execution directed to the said sheriff from a county court;

Establishing claim in second county.

(22) Where a creditor has taken in one county the prescribed proceedings in respect of his claim, and desires to establish his claim for the purposes of this Act in another county also, he may do so by obtaining from the said county court clerk another certificate (Form E), and delivering the same to the sheriff of such other county, and the delivery of such certificate to such sheriff shall have the same effect for the purposes of this Act in the county in which the same takes place, from the day of such delivery, as if a new notice and affidavit of claim had been served for such county and other proceedings had in respect thereof under the previous provisions of this Act;

Writs may be sued out into any county.

(23) A creditor, entitled to a certificate from the county court clerk, may, if he chooses, sue out a writ or writs of execution into any county in the same manner as on an ordinary judgment;

Decision in one county binding in others.

(24) In case a claim is contested in one county, the decision in such county shall, as between the parties to it, determine the amount of the claim for the purposes of this Act in all other counties in which the claim is fyled, and the certificate of the clerk of the county court of the county in which the contest has taken place, of the result thereof, shall be *prima facie* proof of such decision. Such certificate shall, upon payment of a fee of fifty cents, be granted to any party to the proceedings who applies therefor;

Clerk of county court to keep book of reference.

(25) The clerk of the county court shall keep a book in which *before granting a certificate or issuing an execution for a claim*, he shall enter the following particulars with reference to every claim in respect of which he gives a certificate under this Act;

(*a*) The name of every claimant, and of every debtor;

(*b*) The date upon which a certificate was first granted to the claimant;

(*c*) The amount of debt, exclusive of costs;

(*d*) The amount of costs;

(*e*) If the proceedings have been set aside, this fact, and shortly, the reason therefor;

Index to book of reference.

(26) The clerk shall index the entries in said book alphabetically under the name of every debtor;

Copy of entry evidence.

(27) In case the original papers happen to be lost or destroyed, a copy of the entry in such book shall be evidence of all matters therein set forth and expressed;

Granting time to debtor.

(28) With respect to claims, the Judge before or after a certificate is issued by the clerk under this Act, or delivered to the sheriff, may, on the application of the debtor, and notice to a claimant, give to the debtor further time to pay the claim where the Judge is of opinion that this can be done without injustice to the creditor, or may give to the debtor further time on terms which in the opinion of the Judge may be just. There may be successive orders for this purpose, but no claim shall be delayed by such orders for more than *three* months in all;

Preceding sub section not to apply in certain cases.

(29) The preceding sub-section is not to apply to creditors who have obtained judgment in the ordinary way; and the orders for time are not to prejudice executions obtained by such creditors on such judgments;

Effect of expiry or withdrawal of writs.

(30) After a certificate has been filed with the sheriff, the withdrawal or expiry of the writ, or writs, upon which the proceedings are founded, or any stay upon such writ, or writs, or the satisfaction of the plaintiff's claim thereon, or the setting of such writ or writs aside, shall not affect the proceedings to be taken under this Act, and except so far as the action taken in regard to such writ may affect the amount to be levied, the sheriff shall proceed and levy upon the goods or lands of the debtor, or both, as he would have proceeded had such writ or writs remained in his hands in full force to be executed, and may also take the like proceedings as he would have been entitled to take had such writ or writs been a writ or writs of *venditioni exponas*.

Service on Toronto agent.

(31) When the name or address of a solicitor is given for service and the place of abode or office of such solicitor is not in or within three miles of the county town where the proceedings are carried on, service may be made upon him by serving his agent in Toronto.

Costs of claimant.

8. The clerk shall ascertain and state in his said certificate, the amount of the costs to which the claimant is entitled as against the debtor, such costs shall be the following:

(1) For serving the affidavit of claim, to be allowed upon the superior court scale in the case of claims over four hundred dollars, and on the county court scale in the case of claims exceeding two hundred dollars and not exceeding four hundred dollars, or on the division court scale in the case of claims of two hundred dollars and under.

2. The fees paid to the county court clerk under this Act are also to be allowed, which fees shall be the same as he is allowed for like proceedings in the county court, unless the claim appears to be within the jurisdiction of the division court, in which case his fees shall be those allowed for like proceedings in the division court.

(3) Where there is no contest the sum of five dollars for fees of a solicitor (if employed), unless the amount of the claim is within the jurisdiction of the division court, in which case the sum of two dollars only is to be allowed;

(4) In case of a contest, such additional costs (if any) as the judge may allow, and which costs shall be taxed according to the scale of the Superior Courts, County Courts, or Division Courts, according as the amount in dispute is within the jurisdiction of one or other of these courts.

(5) The costs of obtaining an order for substituted service, or other similar order and of such service, or the costs of and incidental to service out of the Province; in either case to be taxed by the clerk of the court, and stated in his certificate aforesaid; if the claim is within the jurisdiction of the division court, only such a sum to be allowed for costs as would have been incurred in obtaining a judgment in the division court.

Sheriff may obtain goods in hands of division court bailiff.

9. If the sheriff does not find sufficient property of a debtor leviable under executions and claims in his hands to pay the same in full, and the sheriff finds any goods and chattels in the hands of the bailiff of a division court under a writ of execution or attachment against the debtor, the sheriff shall demand and obtain such goods and chattels from the bailiff, who shall

forthwith deliver the same to the sheriff, with a copy of every writ of execution in his hands against the debtor, and a memorandum shewing the amount to be levied thereunder, including the bailiff's fees so far as proceedings have been taken by him, and shewing the date upon which each writ was received by him.

Penalty.

(2) In case the bailiff fails to deliver any of such goods, he shall pay a penalty of double the value of the property retained, such double value to be recovered by the sheriff from the bailiff with costs of suit, and to be by the sheriff accounted for as part of the estate of the debtor;

Distribution.

(3) The sheriff shall distribute the proceeds of such property amongst the creditors of the debtor under the provisions of this Act, and the division court execution creditors shall be entitled, without further proof, to stand in the same position as execution creditors whose writs are in the sheriff's hands.

Mode of apportioning money where amount insufficient to pay claims in full.

10. Where the amount levied by a sheriff is not sufficient to pay the execution debts and other claims, with costs, in full, the money shall be applied *to the payment ratably of such debts and the costs of the creditors*, after retaining the sheriff's fees.

Levying interest and costs of renewing certificate.

11. The sheriff, if so directed by an endorsement upon the certificate, shall, in addition to the amounts named in the certificate, levy interest thereon from the date of the certificate, or the date named in that behalf in the certificate, and also the sum of one dollar and thirty-five cents for every renewal of the certificate; and where such renewal is made upon the application of a solicitor, he shall levy the sum of one dollar and twenty-five cents for his costs on the renewal.

Sheriff's poundage.

12. Where money is to be distributed by a sheriff under this Act, the sheriff shall not be entitled to poundage as upon separate writs or claims, but only upon the net proceeds of the estate distributable by him, and at the same rate as if the whole amount had been payable upon one writ; and he shall not be entitled to poundage on property received by him without suit from a division court bailiff under this Act.

Money made on any writ to be considered as made on all writs entitled to benefit thereof.

13. Where money is made upon any writ, the same shall be taken for the purposes of the sheriff's return and otherwise, to be made upon all the writs or certificates entitled to the benefit thereof, and the sheriff shall, upon payment being made to the person entitled upon any such writ or certificate, endorse thereon a memorandum of the amount so paid, but he shall not, except on the request of the party issuing the writ, or by direction of the court out of which the same issues, or of a judge having the authority of a judge of such court, return the writ until the same has been fully satisfied, or unless the same has expired by effluxion of time, in which case the sheriff shall, notwithstanding such expiry, make a formal return of the amount made thereon.

Return.

Time certificate to remain in force.

(2) A certificate issued under this Act shall remain in force for one year, from the date thereof and no longer, unless renewed, but such certificate may from time to time be renewed in the same manner as a writ of *fieri facias*, but notwithstanding the expiry of a writ or certificate prior to the termination of the month during which a notice of money having been

made is under this Act required to be posted, the said writ and certificate shall, as to any money levied during such month, be deemed to be in full force and effect.

Compelling payment by sheriff.

(3) The like proceedings may be taken to compel payment by the sheriff of any money payable in respect to any execution or other claim as can now be had to compel the return by the sheriff of a writ of execution.

Notice to be posted up in sheriff's office pending distribution.

14. The sheriff shall, pending the distribution of moneys levied, keep publicly posted in his office, a statement according to form F in the schedule hereto, showing, in respect of any debtor of whose property money has been levied, the following particulars.

(a) The amounts levied and the dates of levy.

(b) Each execution, certificate, or order in his hands at the time of posting the notice, or subsequently received during the month, the amount thereof for debt and costs, and the date of receipt, and such statement shall be amended from time to time as an additional amount is levied, or a new execution, certificate or order is received.

Sheriff to give information as to estate of debtor.

15. The sheriff shall at all times answer gratuitously any reasonable question which he may be asked in respect to the estate of the debtor by any creditor, or any one acting upon behalf of a creditor, and shall facilitate the obtaining by any such creditor or person full information as to the value of the estate in his county, and the probable dividend to be realized therefrom in his county, or any other information in connection with the estate which the creditor may reasonably desire to obtain.

Distribution by sheriff where amount levied insufficient to meet claims.

16. Where the money levied is insufficient to pay all claims in full, and the time has come for distributing the money levied, the sheriff may forthwith distribute the same as directed by this Act; or he may first prepare for examination by the debtor and his creditors a list of the creditors entitled to share in the distribution of the amount levied, with the amount due to each for principal, interest and costs; such list to be arranged so as amongst other things to shew the amount going to each creditor under the provisions of this Act, and the total amount to be distributed; and the sheriff may deliver, or send (prepaid and registered) by post, to each creditor or his solicitor or attorney, a copy of the list, with the several particulars aforesaid; and in such case the further proceedings may be as follows:

(1) If within eight days after all the said copies have been delivered or posted, or within any further time the judge may allow, no objection is made as provided by this Act, the sheriff shall make distribution forthwith agreeably to such list.

(2) In case any objection is made as provided by this Act, the sheriff shall forthwith distribute such an amount of the money made, and to such persons *pari passu*, as may not interfere with the effect of the objection in case the same should be allowed.

(3) The sheriff may disregard objections which are frivolous, or manifestly insufficient to interfere with the distribution proposed, and distribute as if such objections had not been made.

(4) Any person prejudiced by the proposed scheme of distribution, may contest the same in manner following, viz., by giving a notice in writing to the sheriff, stating therein dis-

tinctly his objection to the scheme (or any part thereof) and the grounds of objection, and by, at the same time, delivering to the sheriff an affidavit of previous service of a copy of the notice on the debtor and the creditors interested in resisting the objection, unless the judge shall by order have dispensed with such service, or on affidavit of such service as the judge shall have sanctioned.

(5) The contestant shall, within eight days thereafter, apply (upon notice) to the judge for an order adjudicating upon the matter in dispute ; and otherwise the contestation shall be taken to be abandoned. The notice may be in the Form G in the schedule hereto.

(6) The judge may determine any questions in dispute in a summary manner, or may direct an issue or action for the trial thereof, either by a jury or otherwise and in any court *or county*, and may make such order as to the costs of the proceedings as may be just. ☞This sub-section is subject to the same provisions as are set forth in the nineteenth sub-section of section seven of this Act.☜

(7) In the event of a claimant under a contestation being held not entitled, or only entitled to part only of his claim, the money retained pending the contestation, or the portion as to which the claimant shall have failed, shall be distributed among the execution creditors and other creditors who would have been entitled thereto, as the same would have been distributed had the claim in respect thereof not been made.

17. In case several creditors are interested in any contestation, either for or against the same, the judge shall have authority to give, and shall give, such directions for saving the expense of an unnecessary number of parties and trials, and of unnecessary proceedings, as may be just, and he shall direct by whom and in what proportions any costs incurred in the contestation, or in any proceedings thereunder, shall be paid ; and whether any and what costs shall be paid out of the money levied.

Directions by judge to avoid unnecessary parties and trials.

18. The judge may, if he sees fit, direct the sheriff to levy for an amount sufficient to cover a claim which is in dispute, or part thereof, or in case it appears to the judge that it is improbable that the defendant has other sufficient property, may order the sheriff to retain in his hands during the contestation the share which, if the claim is sustained, will be apportionable to it, or may make an order combining the orders above authorized, or such similar order as may be just.

(2) An order to levy under this section shall clothe the sheriff with the same authority as he would possess under writs of execution, duly issued against the debtor, directing the said sheriff to levy the like amount out of the goods, chattels, lands and tenements of the debtor.

Direction by judge to sheriff where claims disputed.

19. The decision of a county court judge or the court of appeal under this Act, shall bind all creditors, unless it appears that the decision was obtained by fraud or collusion by the parties to the contestation.

Decisions to be binding on all creditors.

20. In case a sheriff has money in his hands, which, by reason of the provisions of this Act, or otherwise, he cannot immediately pay over to the execution creditors, or other claimants

Sheriff to deposit moneys in bank.

under this Act, he shall deposit the money, whenever the same amounts to one hundred dollars, in some incorporated bank designated for this purpose from time to time by order of the Lieutenant-Governor in Council, or where there is no such bank, then in some incorporated bank in which public money of the Province is then being deposited : such deposit to be made in the name of the sheriff, not generally, but to a special account in his name as " Trustee for the creditors of " (the debtor).

Attaching orders by sheriff or creditors.

21. Where there are in the sheriff's hands several executions and claims, and there are not, or do not appear to be, sufficient lands or goods, as the case may be, to pay all, with his own fees, he may apply for an order attaching any debt owing to the execution debtor by any persons resident in the county of such sheriff, whether such debt is owing by such person alone or jointly with any other person *resident or* not resident in such county, and to procure such attachment the sheriff may take the same proceedings as a creditor; and in such case any writ of execution, or other writ in the course of the proceedings, may be directed to him in the same manner as if the attachment were by a creditor; and what comes to the sheriff's hands in respect of the debts attached, he shall distribute in the same manner as if he had realized the same from property seizable by him under execution;

(2) In case the sheriff does not take such proceedings, any person entitled to distribution may take the same for the common benefit of himself and all other persons entitled to distribution as aforesaid, and the person owing the attached debt shall pay the same to the sheriff;

(3) Any judgment creditor who attaches a debt shall be deemed to do so for the common benefit of himself and all creditors entitled under this Act; payment of such debt shall be made to the sheriff, who in making distribution will apportion to such judgment creditor a share *pro rata*, according to the amount owing upon his judgment, of the whole amount to be distributed under the provisions of this Act, but such share shall not exceed the amount recovered by such garnishee proceedings unless the judgment creditor has placed a writ in the sheriff's hands;

(4) Money garnished and paid into the sheriff's hands shall be deemed to be money levied under execution, within the meaning of this Act, except that, unless the garnishee proceedings were taken by him, the sheriff shall only be entitled to charge poundage on such moneys at the rate of one and a quarter per cent.

Appeal.

22. If any party to any contestation, matter, or thing upon which a judge has made or rendered any final order or judgment, is dissatisfied with such order or judgment, and the same is in respect to a question involving a sum greater than one hundred dollars, he may appeal therefrom to the court of appeal, subject to the like practice as near as may be, including the giving of security for costs, as may be from time to time in force in respect of appeals from the county court, unless and until the judges of the said Court of Appeal shall enact rules establishing a different practice for such proceedings under this Act, and the said judges, or a majority of them, are hereby authorized to frame and enact rules to govern such practice.

23. The provisions of the forty-fifth section of "The Administration of Justice Act" shall apply to this Act. R.S.O., c. 49, S. 45 to apply.

24. Affidavits required by this Act may be taken before any commissioner or other person authorized to administer oaths for use in any of the superior courts. Affidavits how taken.

25. A judge for the purpose of giving effect to this Act and carrying out its provisions shall have all the powers which a county court or a judge thereof has by law for other purposes; and any proceedings wrongly taken under this Act may be set aside by the judge, with or without costs as he may think fit, in the same manner as other proceedings wrongly taken in his court. Powers of judge.

26. No proceeding under this Act shall be void for any defect of form; and the rules, for amending or otherwise curing irregularities or defects, which may from time to time be in force in the county courts shall apply to this Act. Defects of form.

27. Beside the fees otherwise authorized to be paid to the clerk of the County Court for his own use, the following fees shall be levied on the following proceedings under this Act *upon* all claims filed, where the amount of the claim exceeds two hundred dollars, and the same shall be payable to the Crown in stamps, subject to the provisions of the Act respecting Law Stamps, and shall form part of the Consolidated Revenue Fund of the Province:— Scale of fees.

	$ cts.
On an affidavit of claim, where the amount claimed exceeds $200 but does not exceed $400.....	0 75
On every such affidavit where the claim exceeds $400..	1 50
On every certificate of clerk given under sec. 7, where the claim exceeds $200, but does not exceed $400..	0 75
On every such certificate where the claim exceeds $400	1 50
On every order made by the Judge under sec. 7, where the claim exceeds $200, but does not exceed $400..	0 50
On every such order where the claims exceeds $400..	1 00

Where the claim is contested, on the proceedings after the order, the same fees as are now payable on like proceedings under the existing law.

(R. S. O, chap. 39, sec. 53.)

28. This Act is not intended to interfere with the Insolveney Laws which may from time to time be in force in this Province, but this Act is intended to be subject to such laws, and subject as aforesaid to apply to all debtors whether solvent or not. Act not to interfere with Insolvency Laws.

SCHEDULE OF FORMS.

FORM A.

(Section 5.)

SHERIFF'S NOTICE.

Notice is hereby given that I have, by virtue of certain executions delivered to me against the goods and chattels (*or*

lands) of C. D., levied and made out of the property of the said C. D., the sum of $

And notice is further given that this notice is first posted in my office on the *first day of May, 1880,* and that distribution of the said money will be made amongst the creditors of the said C. D. entitled to share therein, at the expiration of one month from the said first day of *May.*

F. G.
Sheriff.

Dated 1st May, 1880.

FORM B.

(Section 7, sub-s. 1.)

AFFIDAVIT OF CLAIM.

THE CREDITORS' RELIEF ACT, 1880.

In the County Court of the County of [*state county or united counties in which it is intended proceedings shall be taken*].

A. B.....Claimant,

vs.

C. D.....Debtor.

I, A. B., of in the county of Merchant (*or as the case may be*) make oath and say:—

1. I am the above named claimant (*or* the duly authorized agent of the claimant in this behalf, and have a personal knowledge of the matter hereinafter deposed to).

2. The above named debtor is justly and truly indebted to me (*or* to the above named claimant) in the sum of dollars for [*here state shortly the nature and particulars of the claim as they are required to be stated upon a specially endorsed writ*].

Sworn before me at
this day of
A. D. 188

FORM C.

(Section 7, sub-s. 2.)

NOTICE TO BE SERVED WITH CLAIM.

THE CREDITORS' RELIEF ACT, 1880.

In the County Court of the County of

A. B.....Claimant,

vs.

C. D.....Debtor.

To the above (*or* within) named debtor.

Take notice that the claimant intends to file with the clerk of the County Court of (*or* of the united counties of) the original affidavit of claim of which a duplicate is served herewith, and that this proceeding is taken by reason of there being in the hands of the sheriff of the said county (*or* united counties) a writ of execution against your goods and

chattels (*or* lands), and that the claimant intends to call on the sheriff to levy the amount of the said debt from your property under the authority of "The Creditors' Relief Act, 1880."

And further, take notice that in case you desire to dispute the said claim, or any part thereof, you must, within ten days after the service of this notice upon you, file with the clerk of the said court an affidavit stating that you have a good defence to the said claim on the merits, or that you have such defence to a specified part of the claim, otherwise such claim will be treated as admitted by you, or may be so treated as to the part not disputed.

You are further hereby notified that unless you endorse upon such affidavit filed by you a statement of some place in, or within three miles of the county town of the said county (*or* united counties) at which service may be made upon you, or the address of some solicitor in the Province of Ontario who may be served on your behalf, service may be made upon you of any notice, paper, or document requiring service, by mailing the same enclosed in an envelope addressed to you at said county town.

NOTE.—In case the above notice is endorsed upon the copy of the affidavit served, the heading of the notice may be omitted. Where further time is given by a judge, the notice should be varied accordingly.

FORM D.

(*Section* 7, *sub-s.* 4.)

AFFIDAVIT OF SERVICE OF CLAIM.

THE CREDITORS' RELIEF ACT, 1880.

In the County Court of the County of

A. B.....Claimant,

vs.

C. D.....Debtor.

I, G. H., of in the county of make oath and say :—

1. That I did, on the day of personally serve C. D., the above named debtor, with an original affidavit identical with the annexed affidavit, and that there was at the time the said affidavit was so served, attached to (*or* endorsed upon) the said affidavit so served a true copy of the notice addressed to the debtor now attached to (*or* endorsed upon) the said annexed affidavit.

Sworn before me at
this day of
A. D. 1880.

FORM E.

(*Section* 7, *sub-ss.* 6 *and* 22.)

CERTIFICATE OF PROOF OF CLAIM.

THE CREDITORS' RELIEF ACT, 1880.

In the County Court of the County of

A. B.....Claimant,

vs.

C. D.....Debtor.

I, clerk of the County Court of the County of , do hereby certify that the above named claimant did on the day of file with me a claim against the above named debtor, for the sum of together with an affidavit of personal service thereof (*or as the case may require*) and of the notice required by the Creditors' Relief Act, 1880, upon the said debtor, and that it thereby appears that such service was made upon the said debtor on the day of

And I further certify that the debtor has not disputed the said claim (*or*, has only disputed the sum of portion of the said claim, *or as the case may be*), and that the claimant is entitled to the sum of against the said debtor (*where it is the duty of the clerk to tax costs, add* and the further sum of for costs of *stating shortly in respect of what the costs are allowed*).

FORM F.

(*Section* 14.)

SHERIFF'S NOTICE OF EXECUTIONS ON HAND AGAINST *C. D.*

Cause.	Proceeding.	Claim without Costs.	Costs.	Date of receipt by Sheriff.	Amount Levied.	Date of Levy.
		$	$		$	
A. B. *vs.* C. D	*Fi. fa.* goods..	504	30	18th Feb., 1880 ..	500	1st May, 1880.
F. G. *vs.* C. D. & E. G.	*Fi. fa.* lands ..	400	20	1st March, 1880..	300	3rd May, 1880. Nothing made against E. G.
K. L. *vs.* C. D	Garnishee order	500	30	. . . . .	300	10th May, 1880.
M. N. *vs.* C. D....	Creditor's Certificate	400	5	15th May, 1880.		

FORM G.

(*Section* 17, *sub-section* 5.)

CONTESTATION OF SCHEME OF DISTRIBUTION.

THE CREDITORS' RELIEF ACT, 1880.

In the County Court of the County of

A. B.....Claimant,

vs.

C. D.....Debtor.

To F. G. and M. N., claimants of moneys levied by the Sheriff of the County of out of the estate of C. D.

Take notice that I will on the day of next apply to the judge of the County Court of the County of at his chambers at the court house in the Town of for an order adjudicating upon the right of you the said to rank upon the said moneys for any amount whatever (*or as the case may be*); and further take notice that I will, upon the said application, read the affidavits of E. F. and X. Y. filed with the clerk of the said court.

No. 102.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to abolish priorty of and amongst Execution Creditors.

1st Reading, 3rd February, 1880.

2nd " 17th " 1880.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 103.] BILL. [1880.

An Act respecting Public Officers of Ontario.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:—

Returns of fees by public officers.

1. Every Public Officer of the Province of Ontario, who is paid by fees, or partly by fees and partly by salary, shall, on or before the fifteenth day of January in every year, make, under oath, to the Lieutenant-Governor a return of the aggregate amount of such fees and emoluments, and of his disbursements, respectively, during the preceding year up to and including the thirty-first day of December.

Time Act to take effect.

2. This Act shall take effect from and after the first day of July next.

No. 103.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting Public Officers of Ontario.

1st Reading, 3rd February, 1880.

Mr. GRAHAM.

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET

No. 103.] BILL. [1880.

An Act respecting Public Officers of Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:—

Returns of fees to be made by County Court clerks, etc.

1. Every clerk of a County Court and every County Attorney and Clerk of the Peace, shall, on or before the fifteenth day of January in every year, make, under oath, a return to the Lieutenant-Governor of the aggregate amount of the fees and emoluments of his office during the preceding year up to and including the thirty-first day of December.

Particulars in returns by public officers.

2. Every Public Officer of the Province of Ontario, who is by this Act or any other Act required to make a return of the fees and emoluments of his office to any department of the Government, or to any officer, shall include in said return the following particulars:—

(1) The aggregate amount of the fees and emoluments earned by him during the preceding year by virtue of his office.

(2) The aggregate amount of such fees and emoluments actually received by him during the preceding year.

(3) The actual amount of the disbursements during the same period in connection with his office.

Time Act to take effect.

3. This Act shall take effect from and after the first day of July next.

No. 103.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting Public Officers of Ontario.

(Reprinted as Amended.)

1st Reading, 3rd February, 1880.
2nd " 20th " 1880.

Mr. Graham.

TORONTO:
PRINTED BY C. B. ROBINSON JORDAN STREET.

No. 104.] **BILL.** [1880.

An Act to amend certain particulars in the law of Real Property.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

R.S.O., c. 108, s. 36 repealed.

1. No person shall hereafter acquire a right by prescription to the access and use of light to or for any dwelling-house, work shop or other building; and the thirty-sixth section of the Real Property Limitation Act is hereby repealed; but this section shall not apply to any such right which has been already acquired by twenty years' use before the passing of this Act. (*See* Hall *vs.* Evans, 42 U. C. Q. B., p. 197; Burnham *vs.* Garvey, 27 U. C., Chan., p. 80; Washburn on Easements, 3rd edit., chap. 4, sec. 6, p. 612; R. S. O., ch. 108, sec. 36.)

Meaning of "heir" in a devise of real estate.

2. Where any real estate is devised by any testator, dying after the passing of this Act, to the heir or heirs of such testator, or of any other person, and no contrary or other intention is signified by the will, the words "heir" or "heirs" shall be construed to mean the person or persons to whom such real estate would descend under the law of Ontario in case of an intestacy. (*See* Tylee *vs.* Deal, 19 U. C. Chan., 601.)

Time from which right to bring action of dower to be computed.

3. Where a dowress has, after the death of her husband, actual possession of the land of which she is dowable, either alone or with heirs or devisees of her husband, the period of ten years within which her action of dower is to be brought shall be computed from the time when such possession of the dowress ceased. This section does not apply to any case in which the right of action has ceased before the passing of this Act. (*See* R. S. O., ch. 108, sec. 25.)

R. S. O., c. 126, secs. 9 and 10, extended to other cases.

4. The ninth section of the Act respecting Dower, chapter 126 of the Revised Statutes, shall apply to any case where any person owns or has the right to sell (whether as trustee or otherwise) land which is subject to the dower of a lunatic, whether such dower is inchoate or complete, and whether the person applying is or is not the husband of the lunatic; and the tenth section of the same Act shall apply to any case in which an agreement for sale had been made, a conveyance executed by the husband before the passing of this Act and part of the purchase money retained by the purchaser on account of dower, or an indemnity given against such dower. (*See* R. S. O., ch. 126, secs. 8, 9, 10.

No. 104.

1st Session, 4th Legislature, 43 Vic., 1880.

H

BILL.

An Act to amend certain particulars in the law of Real Property.

First Reading, February 3rd, 1880.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 105.] BILL. [1880.

An Act respecting the Collection of Taxes in the Districts of Algoma, Muskoka, Parry Sound, Nipissing and Thunder Bay.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section thirty of the Act respecting the establishment of Municipal Institutions in the Districts of Algoma, Muskoka, Parry Sound, Nipissing and Thunder Bay is hereby repealed, and the following substituted therefor:— 38 Vic. c. 13, s. 9, repealed.

(30) Arrears of taxes due to any municipality formed under the provisions of the Statutes of Ontario intituled respectively "An Act to Establish Municipal Institutions in the District of Algoma," "An Act to Establish Municipal Institutions in the Districts of Parry Sound, Muskoka, Nipissing and Thunder Bay," "An Act to organize the Municipality of Muskoka for certain purposes," and "An Act to organize the Municipality of Shuniah and to amend the Acts for establishing Municipal Institutions in Unorganized Districts," or under this Act, shall be collected and managed in the same way as like arrears due to municipalities in counties; and the treasurer and reeve of such municipality shall perform the like duties in the collection and management of arrears of taxes as in counties are performed by the treasurers and wardens thereof; and the various provisions of law relating to sales of land for arrears of taxes or to deeds given therefor, shall, unless otherwise provided by this Act, apply to the said municipalities and to sales of land therein for arrears of taxes due thereon and to deeds given therefor. (*See* 33 Vic. c. 25; 35 Vic. c. 37; 36 Vic. cc. 49 and 50; and 38 Vic. c. 13.) Collection of arrears of taxes and sales of land for taxes in certain districts, etc., provided for.

No. 105.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting the Collection of Taxes in the Districts of Algoma, Muskoka, Parry Sound, Nipissing, and Thunder Bay.

First Reading, 3rd February, 1880.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 105.] **BILL.** [1880.

An Act respecting the Collection of Taxes in the Districts of Algoma, Muskoka, Parry Sound, Nipissing and Thunder Bay.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

R. S. O., c. 175, s. 30, repealed.

1. *The following section is hereby substituted for* section thirty of the Act respecting the establishment of Municipal Institutions in the Districts of Algoma, Muskoka, Parry Sound, Nipissing and Thunder Bay, *and is to be read in the Revised Statutes in lieu of said section thirty:—*

Collection of arrears of taxes and sales of land for taxes in certain districts, etc., provided for.

30 Arrears of taxes due to any municipality formed under the provisions of the Statutes of Ontario following, namely—chapter twenty-five, passed in the thirty-third year of Her Majesty's reign, intituled, "An Act to Establish Municipal Institutions in the District of Algoma;" chapter thirty-seven, passed in the thirty-fifth year of the same reign, intituled, "An Act to Establish Municipal Institutions in the Districts of Parry Sound, Muskoka, Nipissing and Thunder Bay;" chapter forty-nine, passed in the thirty-sixth year of the same reign, intituled, "An Act to organize the Municipality of the District of Muskoka for certain purposes;" and chapter fifty, passed in the last mentioned year, intituled "An Act to organize the Municipality of Shuniah and to amend the Acts for establishing Municipal Institutions in Unorganized Districts," or under this Act, shall be collected and managed in the same way as like arrears due to municipalities in counties; and the treasurer and reeve of such municipality shall perform the like duties in the collection and management of arrears of taxes as in counties are performed by the treasurers and wardens thereof; and the various provisions of law relating to sales of land for arrears of taxes or to deeds given therefor, shall, unless otherwise provided by this Act, apply to the said municipalities and to sales of land therein for arrears of taxes due thereon and to deeds given therefor. (*See* 33 Vic. c. 25; 35 Vic. c. 37; 36 Vic. cc. 49 and 50; and 38 Vic. c. 13.)

BILL.

An Act respecting the Collection of Taxes in the Districts of Algoma, Muskoka, Parry Sound, Nipissing, and Thunder Bay.

(Reprinted as amended.)

First Reading, 3rd February, 1880.

Second " 23rd " 1880.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 106.] BILL. [1880.

An Act respecting certain amendments to the Public Schools Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

R. S. O., c. 204, s. 14, amended.

1. The fourteenth section of the Revised Statutes respecting Public Schools is hereby amended by adding thereto the following : " But in the case of Public Schools in rural school sections, or of townships the trustees thereof may open the schools therein, on the third day of August, in any year, so that the term may begin in such school or schools on that day instead of the eighteenth day of August, and end on the twenty-third day of December following, but such additional period during which the school may be open, shall not be considered in any appropriation of the legislative *or municipal* grants.

Sub.-s. 4 of sec. 160, c. 204, R. S. O., re-enacted.

Proviso.

Fees on non-resident pupils.

2. The fourth sub-section of section one hundred and sixty of the Public Schools Act is hereby re-enacted, and the following shall be added thereto and form part of the same :— " Provided the school rate paid by such person upon the said property is at least equal to the average school rate paid by the residents of such section or division ; and the fees to be imposed upon other non-resident pupils whose parents or guardians do not pay an average school rate in the section or division shall not exceed the sum of *fifty* cents for each pupil for every calendar month."

Union school section to be held for certain purposes to be in municipality in which the school-house is situate.

3. In the case of every union school section or school *division* comprised of the whole or parts of two or more municipalities, the union school section or school *division*, as the case may be, shall be held for the purpose of inspection, the borrowing of money and the issuing of debentures, and for all school purposes, *except as hereinafter mentioned*, as within the township, town, or village municipality in which the school-house is situated (and if there are two or more school-houses then *in the municipality with the largest amount of assessed property, and the* school rates *of such union or school division* shall henceforth be collected by the respective collectors of the township, town, or village municipality in which each part of the union or school *division* is respectively situate, and the taxes shall be so levied and collected in each part of such union or school *division* for its proportionate amount of the trustees' *yearly* requisition *made to the clerk of the* municipality in which the union *or school division* is deemed to be situate, *upon an equalized basis of assessment*, and if such equalized basis is not mutually agreed upon on or before the first day of August

between the councils of the respective municipalities, this shall be determined by reference to the inspector or inspectors having jurisdiction in the respective municipalities concerned, and *other* competent persons, one to be chosen by the council of each such municipality, and not being a member of such council, and the determination by the said referees, or the majority of them shall be final and conclusive in the premises, and in cases where the number so appointed would be even, then the senior county judge shall be added thereto, and in case of default by any council in appointing a referee on its behalf, on or before the first day of August, a majority of the other referees shall be competent to make such determination. The referees shall be paid the like remuneration as township councillors, *as also* their travelling expenses by the trustees of the union or school *division*, out of the school moneys thereof.

(2). *Every such equalization shall continue in force for the period of five years, unless any council shall before the first day of August in any year require another reference to be held for this purpose, and the clerk of the municipality in which the union or school division is deemed to be situate, shall forthwith certify to the clerks of the several municipalities concerned, the respective amounts which each of them, according to this equalization, are required to* place upon the collector's roll of his municipality *and* the amounts payable by the several ratepayers in *each* part of the union *shall be such* as with an equal rate levied upon all parts of the union *shall* be sufficient to meet the *yearly* requisition of the trustees *upon* the municipality in which the union *or school division* is deemed to be situate; *and such amounts as, and when collected shall be paid by the respective collectors to the treasurer of the municipality in which the union or school division is deemed to be situate.*

Township assessors to enter on roll number of children between five and sixteen in each family.

Certain expenses to be paid to trustees by municipality.

4. It shall be the duty of every township council to cause the assessor of the township in preparing the annual assessment roll of the township to set down therein in a separate column, the number of children between the ages of five and sixteen years, opposite the name of each person on the assessment who are resident with him, *and the clerk of the township shall on or before the first day of July in each year, furnish the Secretary-Treasurer of each school section in the township with a statement of the total number of such children within that section, and shall also furnish the Public School Inspector with a statement of the total number in the township,* and any expenses attending the assessment, collection or payment of school rates by the municipal council or any of its officers for the trustees entitled thereto shall be payable by the municipality, and the said rates, as and when collected, shall within a reasonable time thereafter and not later than the twentieth day of December in each year, be paid over to the trustees, without any deduction whatever; and the clerk of each township council shall also upon request, and free of any charge furnish the Public School Inspector with a true copy of the assessed value of each school section as shewn in the revised assessment roll for that year, and also of the several requisitions of the trustees for school moneys. *The township clerk shall be entitled to reasonable payment from the township council for the above mentioned services.* The provisions of this section shall also apply to cities, towns, and villages, and the municipal

councils and officers thereof, *so far as consistent with any other provisions affecting the same.*

Accounts in rural school sections.

5. The trustees of every rural school section and the Public School Board of every town, village or township shall keep, or cause to be kept, books of account of all school moneys of their section, town, village or township (as the case may be), according to such form as may be prescribed by the Minister of Education, and these shall always be subject to examination upon request by the Public School Inspector, having jurisdiction over such Trustees or School Boards respectively, and it shall be the duty of such inspector to examine such accounts at least once in each year.

6. It is hereby declared that the provisions contained in section twenty-nine *and sub-sections two and three thereof* of the Act forty-two Victoria, chapter thirty-four, shall be construed not to apply to school furniture and appliances, repairs, fencing, sheds, offices, or the like objects; *and in any case where the Minister of Education finds that adequate school accommodation has not been provided according to law, the Public School Board and Trustees are respectively authorized to raise the requisite expenditure therefor without any vote or assent of the municipal council, or ratepayers (as the case may be) being necessary.*

7. In cases of school *divisions* within section eighty-three of the Public Schools Act, it shall be competent for the council of the township in which any part of such school *division* is situate, to withdraw the same or any portion thereof from such school *division, and to annex the same to another school section in the same township, or to form a new section thereof* by by-law to be passed before the first day of October in any year, and to take effect on the first day of January next following; and in case of any disagreement as to the terms of such withdrawal, the same shall be determined in the manner provided by law, with respect to the alteration or dissolution of union school sections.

8. *In all cases of the formation, alteration or dissolution of school sections within the same township, or of township boards, or of union school sections comprised of the whole or parts of two or more townships, or of school divisions comprised of a town or village, and the whole or parts of one or more townships, any by-laws to be passed for any of such purposes shall become absolutely legal and valid, and the jurisdiction of any court to question the same shall be deemed to be ousted when such by-law has been submitted to and confirmed by the Minister of Education, who shall require notice to be given of such application by the parties applying by advertisement or otherwise as he may direct, and the provisions of this section may be taken advantage of for the confirmation of any by-law for any of such purposes heretofore passed and not quashed or otherwise declared invalid, and this section shall be deemed to apply to any such by-law.*

9. *The one hundred and fortieth section of the Public Schools Act shall hereafter be construed not to authorize any alteration by adding any further portions of the township to such union school section.*

10. *The one hundred and forty-second section of the Public Schools Act is hereby amended so that it shall be necessary that any portion of the township forming a union, or being part of a school division with another municipality or portion thereof, shall be considered as a section in respect of the said requisite number of two-thirds of the school sections of the township.*

11. *The provisions of any other act or of any special act relating to union school sections or divisions inconsistent with this act are hereby repealed.*

12. *In any matter or inquiry which the Minister is by law authorized to institute, make or direct, he may, upon application (without notice) to any of the superior courts, or a judge thereof, obtain an order for the issue of a writ or writs of subpœna ad testificandum, and also duces tecum, to be directed to such person or persons for him or them to attend and give evidence under oath, at such times and places, and before such person or persons as the Minister shall appoint, and that any default of any such person in obeying any such subpœna shall be punishable as in the like case in any action or cause in any of the said courts.*

13. *This Act may be cited as "The Public Schools Amendment Act, 1880."*

No. 106.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting certain Amendments to the Public Schools Act.

(Reprinted in italics as proposed to be amended in the Committee of the Whole.)

First Reading, 4th February, 1880.

Mr. CROOKS.

TORONTO:

PRINTED BY C. B. ROBINSON, JORDAN STREET.

No. 106.] **BILL.** [1880.

An Act respecting certain amendments to the Public Schools Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

R. S. O., c. 204, s. 14, amended.

1. The fourteenth section of the Revised Statutes respecting Public Schools is hereby amended by adding thereto the following : " But in the case of Public Schools in rural school sections, or of township boards, the trustees thereof may open the schools therein, on the third day of August, in any year, so that the term may begin in such school or schools on that day instead of the eighteenth day of August, and end on the twenty-third day of December following, but such additional period during which the school may be open, shall not be considered in any appropriation of the legislative grant.

Sub.-s. 4 of sec. 160, c. 204, R. S. O., re-enacted.

Proviso.

Fees on non-resident pupils.

2. The fourth sub-section of section one hundred and sixty of the Public Schools Act is hereby re-enacted, and the following shall be added thereto and form part of the same :— " Provided the school rate paid by such person upon the said property is at least equal to the average school rate paid by the residents of such section or division ; and the fees to be imposed upon other non-resident pupils whose parents or guardians do not pay an average school rate in the section or division shall not exceed the sum of twenty-five cents for each pupil for every calendar month."

Union school section to be held for certain purposes to be in municipality in which the school-house is situate.

3. In the case of every union school section or school district comprised of the whole or parts of two or more municipalities, the union school section or school district, as the case may be, shall be held for the purpose of inspection, the borrowing of money and the issuing of debentures, and for all school purposes, as within the township, town, or village municipality in which the school-house is situate (and if there are two or more school-houses then within that in which the largest area of the union or school district is situate), except for the purposes of the taxation and collection of school rates, which shall henceforth be collected by the respective collectors of the township, town, or village municipality in which each part of the union or school district is respectively situate, and the taxes shall be so levied and collected in each part of such union or school district upon an equalized basis of assessment for its proportionate amount of the trustees' requisition upon the municipality in which the union is deemed to be situate, and if such equalized basis is not mutually agreed upon on or before the first day of August between the councils of the respective municipalities, this shall

be determined in each year by reference to the inspector or inspectors having jurisdiction in the respective municipalities concerned, and to competent persons, one to be chosen by the council of each such municipality, and not being a member of such council, and the determination by the said referees, or the majority of them shall be final and conclusive in the premises, and in cases where the number so appointed would be even, then the senior county judge shall be added thereto, and in case of default by any council in appointing a referee on its behalf, on or before the first day of August in each year, a majority of the other referees shall be competent to make such determination, and every such determination shall be forthwith certified to the clerks of the several municipalities concerned, each of whom shall thereupon place upon the collector's roll of his municipality the amounts payable by the several ratepayers in such part of the union as with an equal rate levied upon all other parts of the union will be sufficient to meet the requisition of the trustees, the amount of which shall be communicated to each of such clerks by the clerk of the municipality in which the union is deemed to be situate. The referees shall be paid the like remuneration as township councillors, and their travelling expenses by the trustees of the union or school district, out of the school moneys thereof.

Township assessors to enter on roll number of children between five and sixteen in each family. Certain expenses to be paid to trustees by municipality.

4. It shall be the duty of every township council to cause the assessor of the township in preparing the annual assessment roll of the township to set down therein in a separate column, the number of children between the ages of five and sixteen years, opposite the name of each person on the assessment who are resident with him; and any expenses attending the assessment, collection or payment of school rates by the municipal council or any of its officers for the trustees entitled thereto shall be payable by the municipality, and the said rates as and when collected shall within a reasonable time thereafter, and not later than the twentieth day of December in each year, be paid over to the trustees, without any deduction whatever; and the clerk of each township council shall also upon request, and free of any charge furnish the Public School Inspector not later than the first day of October in each year, with a true copy of the assessed value of each school section as shewn in the revised assessment roll for that year, and also of the several requisitions of the trustees for school moneys. The provisions of this section shall also apply to cities, towns, and villages, and the municipal councils and officers thereof.

Accounts in rural school sections.

5. The trustees of every rural school section and the Public School Board of every town, village or township shall keep, or cause to be kept, books of account of all school moneys of their section, town, village or township (as the case may be), according to such form as may be prescribed by the Minister of Education, and these shall always be subject to examination upon request by the Public School Inspector, having jurisdiction over such Trustees or School Boards respectively, and it shall be the duty of such inspector to examine such accounts at least once in each year.

6. It is hereby declared that the provisions contained in section twenty-nine of the Act forty-two Victoria, chapter

thirty-four, shall be construed not to apply to school furniture and appliances, repairs, fencing, sheds, offices, or the like objects.

7. In cases of school districts within section eighty-three of the Public Schools Act, it shall be competent for the council of the township in which any part of such school district is situate, to withdraw the same or any portion thereof from such school district by by-law to be passed before the first day of October in any year, and to take effect on the first day of January next following; and in case of any disagreement as to the terms of such withdrawal, the same shall be determined in the manner provided by law, with respect to the alteration or dissolution of union school sections.

No. 106.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting certain amendments to the Public Schools Act.

First Reading, 4th February, 1880.

Mr. CROOKS.

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET

No. 106.] BILL. [1880.

An Act respecting certain amendments to the Public Schools Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

R. S. O., c. 204, s. 14, amended.

1. The fourteenth section of the Revised Statute respecting Public Schools is hereby amended by adding thereto the following : "But in the case of Public Schools in rural school sections, or of townships the trustees thereof may open the schools therein, on the third day of August, in any year after the present year, so that the term may begin in such school or schools on that day instead of the eighteenth day of August, and end on the twenty-third day of December following, but such additional period during which the school may be open, shall not be considered in any appropriation of the legislative or municipal grants."

Sub.-s. 4 of sec. 160, reenacted.

Proviso.

Fees on non-resident pupils.

2. The fourth sub-section of section one hundred and sixty of the Public Schools Act is hereby re-enacted, and the following shall be added thereto and form part of the same :— "Provided the school rate paid by such person upon the said property is at least equal to the average school rate paid by the residents of such section or division ; and the fees to be imposed upon other non-resident pupils whose parents or guardians do not pay an average school rate in the section or division shall not exceed the sum of fifty cents for each pupil for every calendar month."

Union school section to be held for certain purposes to be in municipality in which the school-house is situate.

3. In the case of every union school section or school division comprised of the whole or parts of two or more municipalities, the union school section or school division, as the case may be, shall be held for the purpose of inspection, the borrowing of money and the issuing of debentures, and for all school purposes, except as hereinafter mentioned, as within the township, town, or village municipality in which the school-house is situated and if there are two or more school-houses then in the municipality with the largest amount of assessed property and the school rates of such union or school division shall henceforth be collected by the respective collectors of the township, town, or village municipality in which each part of the union or school division is respectively situate, and the taxes shall be so levied and collected in each part of such union or school division for its proportionate amount of the trustees' yearly requisition made to the clerk of the municipality in which the union or school division is deemed to be situate, upon an equalized basis of assessment, and if such equalized basis is not mutually agreed upon on or before the first day of August

between the councils of the respective municipalities, this shall be determined by reference to the inspector or inspectors having jurisdiction in the respective municipalities concerned, and other competent persons, one to be chosen by the council of each such municipality, and not being a member of such council, and the determination by the said referees, or the majority of them shall be final and conclusive in the premises, and in cases where the number so appointed would be even, then the senior county judge shall be added thereto, and in case of default by any council in appointing a referee on its behalf, on or before the first day of August, a majority of the other referees shall be competent to make such determination. The referees shall be paid the like remuneration as township councillors, as also their travelling expenses by the trustees of the union or school division, out of the school moneys thereof.

(2). Every such equalization shall continue in force for the period of five years, unless any council should before the first day of August in any year require another reference to be held for this purpose, and the clerk of the municipality in which the union or school division is deemed to be situate, shall forthwith certify to the clerks of the several municipalities concerned, the respective amounts which each of them, according to this equalization, are required to place upon the collector's roll of his municipality; and the amounts payable by the several ratepayers in each part of the union shall be such as with an equal rate levied upon all parts of the union shall be sufficient to meet the yearly requisition of the trustees upon the municipality in which the union or school division is deemed to be situate; and such amounts as, and when collected shall be paid by the respective collectors to the treasurer of the municipality in which the union or school division is deemed to be situate.

Township assessors to enter on roll number of children between five and sixteen in each family.

Certain expenses to be paid to trustees by municipality.

4. It shall be the duty of every township council to cause the assessor of the township in preparing the annual assessment roll of the township to set down therein in a separate column, the number of children between the ages of five and sixteen years, opposite the name of each person on the assessment who are resident with him, and the clerk of the township shall on or before the first day of July in each year, furnish the Secretary-Treasurer of each school section in the township with a statement of the total number of such children within that section, and shall also furnish the Public School Inspector with a statement of the total number in the township, and any expenses attending the assessment, collection or payment of school rates by the municipal council or any of its officers for the trustees entitled thereto shall be payable by the municipality, and the said rates, as and when collected, shall within a reasonable time thereafter and not later than the twentieth day of December in each year, be paid over to the trustees, without any deduction whatever; and the clerk of each township council shall also upon request, and free of any charge furnish the Public School Inspector with a true copy of the assessed value of each school section as shewn in the revised assessment roll for that year, and also of the several requisitions of the trustees for school moneys. The township clerk shall be entitled to reasonable payment from the township council for the above mentioned services. The provisions of this section shall also apply to cities, towns, and villages, and the municipal

councils and officers thereof, so far as consistent with any other provisions affecting the same, and shall also apply to Separate School Boards or trustees who may exercise their option of having their school rates collected by the municipal councils and the officers thereof.

Accounts in rural school sections.

5. The trustees of every rural school section and the Public School Board of every town, village or township shall keep, or cause to be kept, books of account of all school moneys of their section, town, village or township (as the case may be), according to such form as may be prescribed by the Minister of Education.

Application of 42 Vic. c. 34, s. 29.

6. It is hereby declared that the provisions contained in section twenty-nine of the Act forty-two Victoria, chapter thirty-four, shall be construed not to apply to school furniture and appliances, ordinary repairs, fencing, sheds, offices, or the like objects.

Alteration of school divisions within R.S.O. c. 204, s. 83.

7. In cases of school divisions within section eighty-three of the Public Schools Act, it shall be competent for the council of the township in which any part of such school division is situate, to withdraw the same or any portion thereof from such school division, and to annex the same to another school section in the same township, or to form a new section thereof by by-law to be passed before the first day of October in any year, and to take effect on the first day of January next following; and in case of any disagreement as to the terms of such withdrawal, the same shall be determined in the manner provided by law, with respect to the alteration or dissolution of union school sections.

Confirmation of by-laws for certain purposes.

8. In all cases of the formation, alteration or dissolution of school sections within the same township, or of township boards, or of union school sections comprised of the whole or parts of two or more townships, or of school divisions comprised of a town or village, and the whole or parts of one or more townships, any by-laws to be passed for any of such purposes shall become absolutely legal and valid, and the jurisdiction of any court to question the same shall be deemed to be ousted when such by-law has been submitted to and confirmed by the Minister of Education, who shall require notice to be given of such application by the parties applying by advertisement or otherwise as he may direct, and the certificate of the Minister of Education endorsed on a certified copy of such by-law shall be conclusive evidence of publication, and the provisions of this section may be taken advantage of for the confirmation of any by-law for any of such purposes heretofore passed and not quashed or otherwise declared invalid, and this section shall be deemed to apply to any such by-law.

Application of R. S. O., c. 204, ss. 140 and 150.

9. The one hundred and fortieth section of the Public Schools Act shall hereafter be construed not to authorize such alteration by the council of either municipality as would add any further portions of the municipality to such union school section; and the provisions of section one hundred and fifty of the Public Schools Act shall apply to any case of a dissolution of a union section for any cause whatever.

S. 142 amended.

10. The one hundred and forty-second section of the Public Schools Act is hereby amended so that it shall be necessary that any portion of the township forming a union, or being part of a school division with another municipality or portion thereof, shall be considered as a section in respect of the said requisite number of two-thirds of the school sections of the township.

Inconsistent enactments repealed.

11. The provisions of any other act or of any special act relating to union school sections or divisions inconsistent with this act are hereby repealed.

Compelling attendance of witnesses.

12. In any matter or inquiry which the Minister is by law authorized to institute, make or direct, he may, upon application (without notice) to any of the superior courts, or a judge thereof, obtain an order for the issue of a writ or writs of subpœna *ad testificandum*, and also *duces tecum*, to be directed to such person or persons for him or them to attend and give evidence under oath, at such times and places, and before such person or persons as the Minister shall appoint, and any default of any such person in obeying any such subpœna shall be punishable as in the like case in any action or cause in any of the said courts.

Short title.

13. This act may be cited as "The Public Schools Amendments Act, 1880."

No. 106.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting certain Amendments to the Public Schools Act.

(Reprinted as Amended.)

1st Reading, 4th February, 1880.
2nd " 12th " 1880.

Mr. Crooks.

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET.

No. 107.] BILL. [1880.

An Act to amend the law respecting Statute Labour.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Expenditure of statute labour tax of non-residents.

1. The council of every municipality shall expend the statute labour of non-residents, during the year in which it is imposed, in the statute labour division where the property is situate, and all collections on account of the statute labour of non-residents shall form part of the general funds of the municipality.

Power to reduce or abolish statute labour.

2. The council of every municipality may pass by-laws to reduce or abolish statute labour, any provision in any law or statute to the contrary notwithstanding.

No. 107.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the law respecting Statute Labour.

1st Reading, 4th February, 1880.

Mr. SINCLAIR.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 107.] **BILL.** [18

An Act to amend the Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

42 Vic. c. 31, s. 33, repealed, and R. S. O., c. 180, s. 68, sub-s. 2, revived.

1. Section thirty-three of an Act passed in the forty-second year of Her Majesty's Reign, intituled "An Act to amend the Municipal Law," and chaptered thirty-one, is hereby repealed, and sub-section two of section sixty-eight of the Assessment Act is hereby revived.

R. S. O. c. 180, s. 45, amended.

2. *Section* forty-*five* of the Assessment Act is hereby repealed and the following substituted therefor:

Payment of taxes by instalments.

45. In cities, towns or incorporated villages the council may, by by-law, require the payment of taxes to be made into the office of the treasurer or collector by a day or days to be named therein, in bulk or by instalments, and may by such by-law allow a discount for the prompt payment of such taxes, or any instalment thereof, on or before the day or days on which the same shall be made payable, and may by such by-law impose an additional percentage-charge on every unpaid tax or assessment or instalment thereof, which shall be added to such unpaid tax or assessment or instalment thereof, and be collected by the collectors as if the same had originally been imposed and formed part of such unpaid tax or assessment or instalment thereof.

Statute labour.

3. The council of every municipality which has the power to impose statute labour may pass by-laws to reduce or abolish the same, any provision of any law or statute to the contrary notwithstanding.

No. 107.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the Assessment Act.

(Reprinted as amended.)

1st Reading, 6th February, 1880.
2nd " 11th " 1880.

Mr. SINCLAIR.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 108.] BILL. [1880.

An Act to amend the Assessment Act.

WHEREAS it is necessary and expedient to make better provision for the collection of the tax of two dollars, imposed by section seventy-seven of the Assessment Act, from persons who, by reason of their being assessed as tenants or occupants of property, are at present exempt from the said tax of two dollars: Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything contained in section seventy-seven of chapter one hundred and eighty of the Revised Statutes of Ontario, every tenant or occupant, of the age of twenty-one years and upwards and under sixty years of age (and not otherwise exempt by law from performing statute labour), whose taxes do not amount to two dollars, whether assessed on the assessment roll or not, shall, instead of such labour, be taxed at two dollars yearly therefor. R. S. O., c. 180, s. 77, amended.

No. 108.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the Assessment Act.

1st Reading, 4th February, 1880.

Mr. SPRINGER.

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET.

No. 109.] BILL. [1880.

An Act to amend the Liquor License Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section fifty-one of the said Act is hereby repealed, and the following substituted therefor: R. S. O., c. 181, s. 51, repealed.

(51) Any person who sells or barters spirituous, fermented, or manufactured liquors of any kind, or intoxicating liquors of any kind, without the license therefor by law required, shall for the first offence, on conviction thereof, forfeit and pay a penalty of not less than forty dollars besides costs, and not more than one hundred dollars besides costs; and any person who violates any other provision of the said Act, in respect of which violation no other punishment is prescribed, shall for the first offence, on conviction thereof, forfeit and pay a penalty of not less than twenty dollars besides costs, and not more than fifty dollars besides costs; and for the second of either of the heretofore mentioned offences, on conviction thereof, such person or persons shall be imprisoned in the county gaol of the county in which the offence was committed, to be kept at hard labour for a period not exceeding six calendar months. Penalty for selling without license. Penalty in cases unprovided for.

2. For the punishment of offences against section fifty-three of the said Act, in addition to the penalties mentioned in the fifty-second section of the said Act, the license of any person who shall be convicted of any of the offences in the said fifty-third section mentioned, shall upon such conviction be and stand revoked and cancelled, and shall also thereupon be and become inoperative and of none effect, and the person to whom such license issued shall thereafter, during the remainder of the then current year and two years following after the expiration of such year, be disqualified from obtaining any further or other license under the said Act. Penalty for offences against sec. 53.

3. All provisions of the said Liquor License Act inconsistent with this Act are hereby repealed. Inconsistent provisions repealed.

No. 109.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the Liquor License Act.

First Reading, 4th February, 1880.

Mr. Gibson, (*Hamilton*).

TORONTO:
Printed by C. Blackett Robinson.

No. 110.] BILL. [1880

An Act further to amend the Jurors' Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The words "fifteenth day of September," where they occur in the thirty-eighth section of "The Jurors' Act," are hereby repealed, and the words "twenty-fifth day of October" are substituted therefor. R. S. O., c. 48, s. 38, amended.

2. The words "by the clerk of the peace," in the fifth line of the second sub-section of section seventeen of "The Jurors' Act of 1879," are hereby repealed, and the words "by the chairman, or acting chairman, or such one of the selectors as may be by him named for that purpose" are substituted therefor. 42 Vic., c. 14, s. 17, sub-s. 2, amended.

3. The word "fifty," in the first line of the thirtieth section of "The Jurors' Act of 1879" is hereby repealed, and the fiftieth section of the forty-eighth chapter of the Revised Statutes is hereby re-enacted, and it shall continue to be the fiftieth section of the last mentioned Act. 42 Vic., c. 14, s. 30, amended, and R. S. O., c. 48, s. 50, re-enacted.

4. In counties where "the grand jury lists for the inferior courts," from which the grand jury panel for the inferior courts for the present year are to be returned by the sheriff or other officer, have been selected, made and prepared in the manner provided by the said fiftieth section of the "Jurors' Act," such lists are hereby made valid, and they shall be, and are hereby declared to be "the grand jury lists for the inferior courts" for the present year. Grand jury lists made as provided by s. 50 of R. S. O., c. 48, to be valid.

5. In counties where "the grand jury lists for the inferior courts," from which the grand jury panels for the inferior courts are to be returned for the present year, have not been selected, made and prepared in the manner in the last section mentioned, then, until "grand jury lists for the inferior courts" shall be duly selected in such counties under "the Jurors' Act," as amended by "the Jurors' Act of 1879" and by this Act, every sheriff or other officer whose duty it shall be to return a panel of grand jurors for any inferior court, shall return a panel to be selected from "the grand jury lists for the inferior courts" selected for last year, and such last-mentioned lists shall continue to be "the grand jury lists for the inferior courts" for such last-mentioned counties until new lists shall be duly selected, made and prepared under "the Jurors' Act" as amended as aforesaid. Grand jury lists for Inferior Courts selected for 1879 to be used for present year in certain cases.

No. 110.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act further to amend the Jurors' Act.

1st Reading, 5th February, 1880.

MR. HARDY.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 111.] BILL. [1880.

An Act respecting the Qualification of Municipal Councillors.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Revised Statute respecting Municipal Institutions, section seventy, is amended by striking out the words "or in the right of their wives," in the seventh and eighth lines of the said section. R. S. O., c. 174, s. 70, amended.

2. This Act shall come into force on the first day of January, one thousand eight hundred and eight-one. Time Act to come into force.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting the Qualification of Municipal Councillors.

1st Reading, 5th February, 1880.

Mr. GRAHAM.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 112.] BILL. [1880.

An Act to amend the Act respecting Ditching Water-courses.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

R. S. O., c. 199, s. 9, amended

1. Section nine of chapter one hundred and ninety-nine of the Revised Statutes of Ontario, intituled "An Act respecting Ditching Water Courses," is hereby amended by striking out all the words after the word "made" in the second line.

Sub.s. 2 of s. 9 repealed.

2. Sub-section two of said section nine is hereby repealed.

Sec. 10 repealed.

3. Section ten of the said Act is hereby repealed and the following substituted in lieu thereof:

Enforcing award.

(10). The award may be enforced as follows:—The person desiring to enforce it, provided the work is not done within the time specified by the award, may do the work which the award directs, and make a return, under oath, to the clerk of the municipality, that the work has been performed in accordance with the award; and upon the receipt of such return the clerk shall place the amount of the cost of such work upon the collector's roll against the owner or occupant of the land in respect of which the award was made, and the amount so placed upon the collector's roll shall be paid out of the funds of the municipality to the party who has performed the work so authorized by the award.

Sec. 12, sub-s. 2, amended.

4. Sub-section two of section twelve is hereby amended by striking out the words "division court of the division" in the second line thereof, and inserting the word "municipality" in lieu thereof.

No. 112.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the Act respecting Ditching Watercourses.

1st Reading, 5th February, 1880.

Mr. WATTERWORTH.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON

No. 113.] BILL. [1880.

An Act to amend the Ditches and Watercourses Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

R. S. O., c. 199, s. 4, sub-s. 4, repealed.

1. The fourth sub-section of section four of the Revised Statute respecting Ditching Water Courses is hereby repealed.

Sec. 7, sub-s. 3, repealed.

2. The third sub-section of section seven of the said Act is hereby repealed and the following substituted therefor:

Supplementary award.

(3) If the expense of the ditch or drain exceeds the expense as estimated by the fence-viewers, three fence-viewers may be notified in the same manner herein provided, and shall attend, and, if they see fit, make a supplementary award respecting such expense, which award shall have the same effect, and may be dealt with in all respects, as if it were part of the first award.

Sec. 8 repealed.

3. The eighth section of the said Act is hereby repealed and the following substituted therefor:

Award and plan deposited to be evidence.

(8) The award and any plan made as above provided for, shall be deposited in the office of the clerk of the municipality in which the lands are situate, within days after the making thereof, and the award and plan shall be official documents, and may be given in evidence in any legal proceedings by certified copies, as are other official documents, and notice of their being made shall also be given by the clerk of such municipality to all parties interested, within days after their deposit.

Notification of making award and plan.

No. 113.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the Ditches and Water-course Act.

1st Reading, 6th February, 1880.

Mr. BRODER,

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 114.] BILL. [1880.

An Act to amend the Act respecting Mutual Fire Insurance Companies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:— R.S. O., c. 161, s. 17, repealed.

1. Section seventeen of the Revised Statute respecting Mutual Fire Insurance Companies, is hereby repealed, and the following substituted therefor:—

(17) The board of directors shall be elected annually by such members of the company as attend for the purpose in their own proper persons. Election of directors.

No. 114.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the Act respecting Mutual Fire Insurance Companies.

1st Reading, 6th February, 1880.

Mr. SPRINGER.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 115.] **BILL.** [1880.

An Act to amend the Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

R. S. O., c. 180, s. 45, repealed.

1. The forty-fifth section of the Revised Statute respecting the assessment of property is hereby repealed, and the following substituted therefor:

Payment of taxes by one or more payments.

(45) In cities, towns, townships and incorporated villages the council may further pass by-laws for making the taxes payable to the treasurer either in one or more payments, and in either case may add an additional five per centum to such payment or payments after the same has become due in accordance with the provisions of such by-law.

No. 115.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the Assessment Act.

1st Reading, 6th February, 1880.

Mr. HAY.

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET

No. 116.] **BILL.** [1880.

An Act respecting the incorporation of Cemetery Companies by Letters Patent.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation by letters patent.

1. The Lieutenant-Governor in Council may, by letters patent under the Great Seal, grant a charter to any number of persons not less than ten, who shall petition therefor, constituting such persons, and others who may become shareholders in the company thereby created, a body corporate and politic, for the purpose of establishing a public cemetery near to, but without the limits of, any incorporated village, town or city. (*See* R. S. O., c. 150, s. 3.)

Certain sections of R. S. O., c. 150, incorporated.

2. Sections four, five, six, seven, eight, ten, eleven, twelve, thirteen, fifty-three, fifty-four, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six and sixty-seven of the Revised Statute respecting the incorporation of Joint Stock Companies by Letters Patent shall be deemed to be embodied in this Act and shall apply to all companies incorporated thereunder.

Preliminary conditions.

3. Before the letters patent are issued the applicants must establish to the satisfaction of the Provincial Secretary, or of such other officer as may be charged by order of the Lieutenant-Governor in Council to report thereon, that they have purchased the fee in a lot of land containing not less than acres, received a deed therefor, and registered the same in the registry office for the county in which the said land is situate.

Owner of land may be a member of company and take stock in payment.

4. The owner of the said land may be a member of the company, and may subscribe for stock in the company to an amount equal to the purchase money of said land or for a portion thereof, and may take and hold said stock in payment for said lot or part payment therefor; and said stock so given for or on account of the purchase of said land, shall for all purposes of this Act be deemed and treated as paid up stock in the company.

Recital in letters patent.

5. The letters patent shall recite such of the material averments of the notice and petition, as the Lieutenant-Governor may deem convenient to insert therein, and shall contain a description of the land acquired by the company, and the Lieutenant-Governor may, if he thinks fit, give to the company a corporate name different from the name proposed by the applicants in the published notice. (*See* R. S. O., c. 150, s. 9.)

Power of company as to land.

6. From the date of the said letters patent the company shall without any deed, conveyance or assurance become and be invested with all the estate and interest held by or for the applicants or the company in the said land. and the applicants or the company shall forthwith register the letters patent at full length with the registrar of the registration division in which the land is situate.

Power to borrow.

7. The company may borrow money for the purpose of making roads over said land, and for improving and laying out the same, and may repay the amount so borrowed with interest thereon, at any lawful rate not to exceed eight per centum per annum, out of the first proceeds of the sale of lots in the said cemetery as hereinafter mentioned and, as security for such loan the company may mortgage all its estate, right, and interest in the premises, and in such mortgage may insert all necessary and usual powers of sale, covenants and conditions, but nothing herein contained shall authorize such mortgagee, or any one claiming under him, to use or deal with the premises so mortgaged in a manner inconsistent with the continued use of said premises as a cemetery, or inconsistent with any provision in this Act for the preservation and protection of the same for cemetery purposes.

Proviso.

Capital.

8. The capital stock of the company shall be an amount adequate or equal at least to the purchase money of the land required for the said cemetery, divided into shares of one hundred dollars each. (R. S. O., c. 170, s. 2, sub-s. (*a*).)

R. S. O., c. 170, to apply.

9. The provisions contained in the Revised Statute respecting Cemetery Companies shall apply to any company incorporated under this Act and to the shareholders and directors of any such company except as herein otherwise provided.

Incorporation under R. S. O., c. 170.

10. Nothing herein contained shall prevent any company from obtaining incorporation under the said Act respecting Cemetery Companies, instead of obtaining incorporation under this Act, if such company sees fit.

No. 116.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting the incorporation of Cemetery Companies by Letters Patent.

First Reading, 6th February, 1880.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 117.] **BILL.** [1880.

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

1. The four hundred and sixty-fifth section of the Revised Statute respecting Municipal Institutions is amended by adding at the end of the first sub-section thereof the words: "and also one or more solicitors, attorneys and counsel, who shall attend to all legal business, do, render, and give all legal work, services and advice, whether in matters of a civil or criminal nature which the council may require or direct or be interested in, directly or indirectly, or for which such council would be liable to pay in the event of such services, or any of them, being done or rendered by any county attorney, or counsel, or crown prosecutor. R. S. O., c. 174, s. 465, sub-s. 1, amended.

2. The four hundred and sixty-sixth section of the said Act, as amended by section twenty of the Act passed in the forty-second year of the reign of Her present Majesty, chaptered thirty-one, intituled "An Act to amend the Municipal Law," is hereby amended by striking out the words "in quantities less than by the quarter carcase," occurring in the second and third and eighth and ninth lines of sub-section fourteen, and adding at the end of the said sub-section fourteen the words: "Provided that this sub-section shall not apply to any farmer or other person selling meat in quantities not less than the quarter carcase where the animals have been raised or fattened by the person or persons offering such meat for sale." Sec. 466, sub-s. 14, as amended by 42 Vic., cap. 31, sec. 20, amended.

3. The said four hundred and sixty-sixth section of the said Act is hereby further amended by adding thereto the following as sub-section fifty-five : Sec. 466 further amended.

(55) For authorizing and for assigning stands for vehicles kept for hire on the public streets and places, and for authorizing the erection and maintenance of covered stands or booths on the streets, highways and public places for the protection and shelter of the drivers of such vehicles : Provided that no such booth or covered stand shall be placed upon any sidewalk without the previous consent of the owner or lessee of the property fronting, abutting or adjoining such stand or booth. Proviso.

No. 117.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the Municipal Act.

1st Reading, 9th February, 1880.

Mr. Bell.

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET.

No. 118.] BILL. [1880.

An Act respecting Companies incorporated under Imperial Statutes.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Certain powers, &c., may be granted by Letters Patent to Companies incorporated under Imperial Statutes.

1. In case a corporation, now or hereafter incorporated under the laws of the Imperial Parliament of Great Britain and Ireland, desires to carry on any of its business within the Province of Ontario, the Lieutenant-Governor in Council may, by Letters Patent under the Great Seal of the Province, grant to such company, and such company may thenceforth use, exercise, and enjoy within the Province, any powers, privileges and rights set forth in the Letters Patent, as desired in or for carrying on the business of the company, and which it is within the authority of the Lieutenant-Governor in Council to grant to a company under the Ontario Joint Stock Companies' Letters Patent Act.

Copy of Act or other instrument of incorporation to be deposited with Provincial Secretary.

2. No such Letters Patent shall be issued until such corporation has deposited in the Office of the Provincial Secretary a true copy of the Act of Parliament, charter or other instrument incorporating the said company, verified in the manner which may be satisfactory to the Lieutenant-Governor in Council.

Evidence of incorporation.

3. The Letters Patent referring to such Act, charter or other instrument as aforesaid, or a copy of such Act, charter or other instrument aforesaid certified under the hand of the Provincial Secretary, shall be sufficient evidence, in any proceeding in any court in this Province, of the incorporation of the company.

No. 118.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting Companies incorporated under Imperial Statutes.

1st Reading, 9th February, 1880.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 119.] **BILL.** [1880.

An Act respecting Municipal Taxation and Exemptions.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, doth enact as follows:—

Assessment of property of companies. R.S.O. c. 180, s. 29 repealed in part.

1. Property, real and personal, of an incorporated company (other than a bank) shall be assessable against the company in the same manner as if the company were an unincorporated company or partnership; and the first part of section 29 of the Assessment Act, R. S. O., chapter 180, is hereby repealed.

Income derived from shares to be assessed against shareholders.

2. The income derived from shares in such company, or in a bank, shall be assessed against the shareholders as hitherto has been provided in the case of shares in banks, railway and other companies by the 17th and 18th sub-sections of the second section, and by the second sub-section of the 29th section, of the Assessment Act; and in all such cases the beneficial owner of shares which do not stand in his own name may be assessed for the income he derives therefrom as if the shares stood in his own name.

Personal property in Province of non-residents assessable like property of residents.

3. All personal property within the Province, the owner of which is not resident in the Province, shall be assessable like the personal property of residents, and whether the same is or is not in the possession or control, or in the hands, of an agent or a trustee on behalf of the non-resident owner; and all such personal property of non-residents may be assessed in the owner's name, as well as in the name of the agent, trustee or other person (if any) who is in the possession or control thereof. (See R. S. O. chapter 180, sec. 6, sub-section 19; sec. 6.)

No deduction from incomes over $1,000.

4. The deduction of four hundred dollars from the income of a person having an income exceeding that amount shall not be made in case such income exceeds one thousand dollars. (See R. S. O., c. 180, s. 2, subs-s. 19; ss. 28.)

Lawns, &c., assessable like other ground. R.S.O. c. 180, s. 2, sub-s. 19 and s. 25 repealed.

5. Ground used as a paddock, park, lawn or pleasure ground shall be assessed like other ground; and the 19th sub-section of the sixth section, and the 25th section, of the Assessment Act, are hereby repealed.

R.S.O., c. 180, s. 24 repealed in part.

6. The 24th section of the said Act with respect to vacant ground, or ground used as a farm, garden or nursery, in cities towns or villages, is amended by striking out so much thereof as follows the words "freely made," in the fifth line.

Meaning of "land," &c.

7. The terms Land, Real Property and Real Estate in the Assessment Act, shall be construed to include land covered with water.

Meaning of "local improvements."

8. The local improvements in respect of which provision is made by the sections of the Municipal Act numbered from 551 to 554 inclusive, shall be construed to include (amongst other things) the deepening of any stream, creek or water course, and the draining of any locality, and reconstructing, as well as constructing, any work, the construction of which is provided for in and by the said sections or by this Act; and the curbing, sodding or planting of any street, lane, alley, square or other public place;

Provision in case of defective or excessive assessment.

(2) If, in any case, the first assessment for any local improvement proves insufficient, the council shall make a second in the same manner, and so on until sufficient moneys shall have been realized to pay for such improvements or works, and if too large a sum shall at any time be raised, the excess shall be refunded ratably to those by whom it was paid.

Real property specially assessed exempt from general rate.

9. Real property specially assessed or rated for any work hereafter executed, shall be exempt from any general rate or assessment for the like purpose, except the cost of works at the intersection of streets, and except such portion of the general rate as may be imposed to meet the cost of like works opposite real property which is exempt from such special assessment;

(2) Wherever there is any by-law providing for such special assessment in respect of work hereafter executed, the council shall, from year to year, by by-law directing the general rate of assessment, or by some other by-law, state what proportion of the general rate is for purposes for which there is such special assessment in any part of the municipality, and shall state the same in such manner as may give effect to this section;

(3) Until a by-law is passed containing such statement, none of the money raised by general rate on real property specially assessed or rated for any work hereafter executed, shall be applied to any work of the same character in any part of the municipality.

By-laws directing improvements to be made by local assessment.

10. The municipal council of any city, town or incorporated village may, by a by-law, passed with the assent of the electors according to the provisions of the Revised Municipal Act, direct that all future expenditure in the municipality for the improvements and services, or for any class or classes of improvement or service, for which special provisions are made in the sections of the said Revised Municipal Act numbered from 551 to 555, as explained or extended by this Act, be by special assessment on the property benefited, and not exempt by law from assessment; and in such cases a petition from the owners of the property benefited shall not be necessary;

Repeal of by-laws.

(2) After such a by-law has been passed in manner aforesaid, it shall not be repealed without the like assent of the electors; and, in case of such repeal, the preceding section, with respect to freedom from any general rate or assessment of property which is subject to a special rate, shall apply to all property which had been specially rated or assessed for such improvement or service, while the repealed by-law was in force.

11. In case of such by-law being passed as mentioned in the 10th section, or if where no such by-law has been passed the corporation, trustees, or other persons in whom is vested any place of worship or land used in connection therewith, do not join in a petition for a local improvement under the 552nd section of the Municipal Act, but two-thirds of the other owners of the real property to be benefited by the proposed improvement, representing at least one-half in value of the remaining property, petition as in the said 552nd section mentioned, the municipal council may, by the by-law to be passed in that behalf, require the corporation, trustees, and other persons aforesaid, and the said place of worship and land connected therewith, to be assessed for the improvement, in the same manner and to the same extent as the other owners and land benefited by the improvement.

Assessment on places of worship for local improvements.

(2) In case of no such by-law being passed as mentioned in the 10th section, if the corporation, trustees, or other persons in whom is vested any place of worship or land used in connection therewith, join in such petition, and two-thirds of the owners of the real property to be benefited by the proposed improvement (including the corporation, trustees, or other persons aforesaid), representing at least one-half in value of the property, including the said property so vested in the corporation, trustees, or other persons aforesaid, petition as in the said 552nd section mentioned, such corporation, trustees and other persons, and the property aforesaid, shall be assessable as in the case of other owners and other property benefited by the improvement.

12. In case of a special assessment on property benefited by local improvement, whether under a general authority for the purpose as provided for in the 10th section, or upon petition of the owners under the 552nd section of the Municipal Act, the council of the municipality (if they think fit) may by by-law provide for constructing, at the expense of the general funds of the municipality, such part of the local improvement as is situate upon or in that part of any street, lane, alley, public place, or square, which is intersected by any other said street, lane, alley, public place, or square, or as would otherwise fall on property exempt from assessment; and the Council may provide for the cost in the general rates or taxes for the year, or by the issue of debentures, or in such other manner not inconsistent with the provisions of this Act, or any special Act, as to said council may seem best, and subject to such by-laws as the council may pass in that behalf.

Certain part of improvements may be charged on general rates.

13. Every corporation whose stock is liable to taxation as against the shareholders, shall, at the written request of the assessor of any municipality in which there is or are any person or persons liable to be assessed for income derived from stock in such corporation (such written request to be communicated by delivering the same to the principal officer of the bank in this Province, or by leaving the same at the principal office in the Province, or to be made by registered letter, prepaid, addressed to the bank at the place of such principal office), and within thirty days after the delivery, leaving or posting of such written request, deliver to such assessor, or send to him in a registered letter, prepaid, a statement in writing setting forth the names of the shareholders who are resident in such

Statement to be furnished by officer of corporation to assessor.

municipality, or who ought to be assessed for their income by such municipality, the amount of stock held by every such person on the day named for that purpose by the assessor in his said written request, and the amount of dividends and bonuses declared during the twelve months next preceding; which statement in writing to be so furnished to the assessor shall contain also a certificate under the hand of the principal officer of the bank in the Province, declaring that the same contains, to the best of the knowledge and belief of such officer, a correct list of such shareholders, and of the amount of stock held by each on the day so named by the assessor, so far as appears from the books of the bank, or so far as is known otherwise by such officer. The 39th section of the Assessment Act shall be read as applying to this section.

R.S.O., c. 180, s. 39 to apply.

Provisions as to bonus by-laws.

14. To render valid a by-law of any municipality for granting a bonus in aid of a railway or for promoting any manufacture, the assent shall be necessary of the majority of all ratepayers named in the voters' list, who were entitled to vote on the by-law; such assent to be ascertained as hitherto; and, in addition to the certificate required by the 310th section of the Municipal Act, the clerk, in case of the majority of votes being in favour of the by-law, shall further certify whether or not, so far as shewn by the voters' list and assessment roll, such majority appears to be a majority of all the voters who were entitled to vote on the by-law; and, in case of dispute as to the matter so certified, the judge shall have the same powers for determining the question as he has in any case of a scrutiny of the votes.

(2) The petition to the judge may be by any elector, or by the council; and the proceedings for obtaining the judge's decision shall be the same, as nearly as may be, as in the case of a scrutiny. (*Vide* R. S. O., C. 174, sections 286 to 318, 333, 454 sub-section 5, 559 sub-section 4.)

(3) This section shall apply to all Acts passed during the present session of the Legislature, and to by-laws thereby authorized, for any of the said purposes, as well as to other Acts and any by-laws thereunder.

Licensing transient traders.

15. The power to license, regulate and govern transient traders and others, as mentioned in the said Act, section 466, sub-section 53, and in the Municipal Amendment Act, 1879, section 22, shall be construed to apply, whether the goods and merchandise are offered by auction or otherwise.

R.S.O., c. 180, s. 33 amended.

16. The thirty-third section of the Assessment Act is amended by striking out the words "an annual," and substituting therefor the word "any."

Inconsistent enactments repealed.

17. All enactments inconsistent with this Act, though not herein expressly mentioned in that behalf, are hereby repealed so far as as they are inconsistent with this Act.

No. 119.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting Municipal Taxation and Exemptions.

1st Reading, 9th February, 1880.

ATTORNEY-GENERAL.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 119.] BILL. [1880

An Act respecting Municipal Taxation and Exemptions.

Reprinted for the Committee of the Whole, with certain proposed amendments.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, doth enact as follows:—

Assessment of property of companies. R.S.O. c. 180, s. 29 repealed in part.

1. *Amended as follows:* The personal property of an incorporated company (other than a bank or other company mentioned in the twenty-ninth section of the Assessment Act) shall be assessable against the company in the same manner as if the company were an unincorporated company or partnership.

Income derived from shares to be assessed against shareholders.

2. *Amended as follows:* Where the income derived from shares in banks, railway and other companies by the 17th and 18th sub-sections of the second section, and by the second sub-section of the 29th section, of the Assessment Act, is assessable against shareholders individually, the beneficial owner of shares which do not stand in his own name may be assessed for the income he derives therefrom as if the shares stood in his own name.

Personal property in Province of non-residents assessable like property of residents.

3. All personal property within the Province, the owner of which is not resident in the Province, shall be assessable like the personal property of residents, and whether the same is or is not in the possession or control, or in the hands, of an agent or a trustee on behalf of the non-resident owner; and all such personal property of non-residents may be assessed in the owner's name, as well as in the name of the agent, trustee or other person (if any) who is in the possession or control thereof.

The following sub-sections are proposed:—

(2) The property shall be assessable in the municipality in which it may happen to be.

(3) This section does not apply to dividends which are payable to, or other choses in action which are owned by and stand in the name of, a person who does not reside in the Province.

No deduction from incomes over $1,000.

4. The deduction of four hundred dollars from the income of a person having an income exceeding that amount shall not be made in case such income exceeds one thousand dollars.

5. The exemption to which certain officers connected with the Superior Courts were at the time of their appointment and are now entitled by Statute, in respect of their salaries, is hereby abolished as respects all persons who may hereafter be ap-

pointed by the Lieutenant-Governor to such offices. (*Vide* R.S.O., cap. 39, sec. 51; cap. 40, sec. 15.)

Lawns, &c., assessable like other ground.

6. *Amended as follows* (*numbered 5 in Bill*): Ground used as a paddock, park, lawn or pleasure ground shall, in the discretion of the council of the municipality, be assessed like other ground.

R.S.O., c. 180, s. 24 repealed in part.

7. *Amended as follows* (*numbered 6 in Bill*): The 24th section of the said Act with respect to vacant ground, or ground used as a farm, garden or nursery, in cities, towns or villages, is amended by inserting, after the word "assessors," the following words: "(in case the council so directs)".

Meaning of "land," &c.

8 (*numbered 7 in Bill*). The terms Land, Real Property and Real Estate in the Assessment Act, shall be construed to include land covered with water.

New sub-section:

(2) The definition of personal estate and personal property in section 2, sub-section 8, of the Assessment Act, is hereby amended by inserting after the word "shares," in the second line, the words "or dividends on shares (as the case may be)".

New section:

9. Where a city, town or village lies in the county which forms part of a county court district, and there is an appeal against an assessment in respect of vacant land to the extent of $50,000 against one person, or against a partnership, or joint owners, the appeal from the Court of Revision shall be to a board consisting of the judges of the counties which constitute the county court district instead of being to the judge alone of the county in which the city, town or village lies; and in such case the clerk of the council shall forthwith notify each of the judges by post (prepaid) of all notices of appeal to the said board which are from time to time served upon him. The judges of the county in which the city, town or village lies, shall arrange a day for the hearing of such appeals, and shall notify the clerk thereof, and the clerk shall immediately notify by post (prepaid) the other judges. The sections of the Assessment Act numbered from 59 to 67 inclusive, shall apply to such appeals, and the said board shall have the powers and duties which, by the said section, are assigned to the county judge therein referred to.

Meaning of "local improvements."

10. The local improvements in respect of which provision is made by the sections of the Municipal Act numbered from 551 to 554 inclusive, shall be construed to include (amongst other things) the deepening of any stream, creek or water course, and the draining of any locality, and reconstructing, as well as constructing, any work, the construction of which is provided for in and by the said sections or by this Act; and the curbing, sodding or planting of any street, lane, alley, square or other public place;

Provision in case of defective or excessive assessment.

(2) If, in any case, the first assessment for any local improvement proves insufficient, the council shall make a second in the same manner, and so on until sufficient moneys shall have been realized to pay for such improvements or works, and if too large a sum shall at any time be raised, the excess shall be refunded ratably to those by whom it was paid.

11. *Amended as follows (numbered 10 in Bill)*: Where owners of real property petition to be specially assessed for a local improvement or service, under the 552nd or 565th section of the Municipal Act, the petition may pray exemption for any period therein named from any general rate or assessment for the like purpose (except the cost of works at the intersection of streets, and except such portion of the general rate as may be imposed to meet the cost of like works opposite real property which is exempt from such special assessment); Real property specially assessed exempt from general rate.

(2) Or the petition, either without specifying any period for such exemption in case such exemption is not acceded to by the council, may pray that the propriety of such exemption and the time the same should continue be determined by arbitration;

(3) The council may, by the by-law to be passed in that behalf, under the said Act, accede to the exemption (if any) mentioned in the petition, or in case the petition requests an arbitration, the council may accede to the proposal for an arbitration;

(4) In case the matter is to be determined by arbitration, a sole arbitrator shall be chosen for the purpose by the county court judge, unless some person or persons is or are agreed to in that behalf by the petitioners and the council;

(5) Wherever, by reason of a special assessment, the owners are exempted from a general rate for the like purpose, as aforesaid, the council shall, from year to year, by by-law directing the general rate of assessment, or by some other by-law, state what proportion of the general rate is for purposes for which there is such special assessment in any part of the municipality, and shall state the same in such manner as may give effect to this section;

(3) Until a by-law is passed containing such statement, none of the money raised by general rate on real property specially assessed or rated for any work or service hereafter executed, shall be applied to any work or service of the same character in any part of the municipality.

12. (*Numbered* 10 *in Bill*). The municipal council of any city, town or incorporated village may, by a by-law, passed with the assent of the electors according to the provisions of the Revised Municipal Act, direct that all future expenditure in the municipality for the improvements and services, or for any class or classes of improvement or service, for which special provisions are made in the sections of the said Revised Municipal Act numbered from 551 to 555, as explained or extended by this Act, be by special assessment on the property benefited, and not exempt by law from assessment; and in such cases a petition from the owners of the property benefited shall not be necessary; By-laws directing improvements to be made by local assessment.

(2) After such a by-law has been passed in manner aforesaid, it shall not be repealed without the like assent of the electors; and, in case of such repeal, the preceding section, with respect to freedom from any general rate or assessment of property which is subject to a special rate, shall apply to all property which had been specially rated or assessed for such improvement or service, while the repealed by-law was in force. In such time, the time the exemption is to cease is to be determined in each or any case by arbitration, and the arbitrator Repeal of by-laws.

is to be appointed by the county judge, on the application of the council.

Assessment on places of worship for local improvements.

13 (*in Bill* 11) *amended.* In case of such by-law being passed as mentioned in the 10th section, or if where no such by-law has been passed the corporation, trustees, or other persons in whom is vested any land on which a place of worship is erected or land used in connection therewith, do not join in a petition for a local improvement under the 552nd section of the Municipal Act, but two-thirds of the other owners of the real property to be benefited by the proposed improvement, representing at least one-half in value of the remaining property, petition as in the said 552nd section mentioned, the municipal council may, by the by-law to be passed in that behalf, require the corporation, trustees, and other persons aforesaid, and the said place of worship and land connected therewith, to be assessed for the improvement, in the same manner and to the same extent as the other owners and land benefited by the improvement ;

(2) In case of no such by-law being passed as mentioned in the 10th section, if the corporation, trustees, or other persons in whom is vested any place of worship or land used in connection therewith, join in such petition, and two-thirds of the owners of the real property to be benefited by the proposed improvement (including the corporation, trustees, or other persons aforesaid), representing at least one-half in value of the property, including the said property so vested in the corporation, trustees, or other persons aforesaid, petition as in the said 552nd section mentioned, such corporation, trustees and other persons, and the property aforesaid, shall be assessable as in the case of other owners and other property benefited by the improvement.

Certain part of improvements may be charged on general rates.

14 (*in Bill* 12). In case of a special assessment on property benefited by local improvement, whether under a general authority for the purpose as provided for in the 10th section or upon petition of the owners under the 552nd section of the Municipal Act, the council of the municipality (if they think fit) may by by-law provide for constructing, at the expense of the general funds of the municipality, such part of the local improvement as is situate upon or in that part of any street, lane, alley, public place, or square, which is intersected by any other said street, lane, alley, public place, or square, or as would otherwise fall on property exempt from assessment ; and the Council may provide for the cost in the general rates or taxes for the year, or by the issue of debentures, or in such other manner not inconsistent with the provisions of this Act, or any special Act, as to said council may seem best, and subject to such by-laws asthe council may pass in that behalf.

Statement to be furnished by officer of corporation to assessor.

15 (*in Bill* 13). Every corporation whose dividends are liable to taxation as against the shareholders, shall, at the written request of the assessor of any municipality in which there is or are any person or persons liable to be assessed for income derived from stock in such corporation (such written request to be communicated by delivering the same to the principal officer of the corporation in this Province, or by leaving the same at the principal office in the Province, or to be made by registered letter, prepaid, addressed

to the corporation at the place of such principal office) and within thirty days after the delivery, leaving or posting of such written request, deliver to such assessor, or send to him in a registered letter, prepaid, a statement in writing setting forth the names of the shareholders who are resident in such municipality, or who ought to be assessed for their income by such municipality, the amount of stock held by every such person on the day named for that purpose by the assessor in his said written request, and the amount of dividends and bonuses declared during the twelve months next preceding; which statement in writing to be so furnished to the assessor shall contain also a certificate under the hand of the principal officer of the corporation in the Province, declaring that the same contains, to the best of the knowledge and belief of such officer, a correct list of such shareholders, and of the amount of stock held by each on the day so named by the assessor, so far as appears from the books of the corporation or so far as is known otherwise by such officer. The 39th section of the Assessment Act shall be read as applying to this section. The fine for default shall be one hundred dollars.

R.S.O., c. 180, s. 39 to apply.

16 (*in Bill* 14). To render valid a by-law of any municipality for granting a bonus in aid of a railway or for promoting any manufacture, the assent shall be necessary of the majority of all ratepayers who were entitled to vote on the by-law; such assent to be ascertained as hitherto; and, in addition to the certificate required by the 310th section of the Municipal Act, the clerk, in case of the majority of votes being in favour of the by-law, shall further certify whether or not, so far as shewn by the voters' list and assessment roll, such majority appears to be a majority of all the voters who were entitled to vote on the by-law; and, in case of dispute as to the result of the vote, the judge shall have the same powers for determining the question as he has in any case of a scrutiny of the votes;

Provisions as to bonus by-laws.

(2) The petition to the judge may be by any elector, or by the council; and the proceedings for obtaining the judge's decision shall be the same, as nearly as may be, as in the case of a scrutiny;

(3) *New.* — This section shall go into force on the first day of October next, and shall apply to all Acts passed during the present session of the Legislature, and to by-laws thereby authorized, for any of the said purposes, as well as to other Acts and any by-laws which may be hereafter passed thereunder.

17. *New section.*—So much of any enactment in private and other Acts heretofore passed, or passed at the present session of the Legislature, as authorizes or provides for the grouping or joining together of municipalities or a municipality, or part of any municipalities or municipality with part of another municipality or parts of other municipalities, for the purpose of granting municipal aid to any railway or railway company, is hereby repealed and declared to be inoperative.

The following additional sections:

18. If any municipality is dissatisfied with the action of any county council in increasing or decreasing or refusing to in-

crease or decrease the valuation of any municipality, the proceedings shall be as follows:

(1) The municipality so dissatisfied may appeal from the decision of the council at any time within ten days after such decision, by giving to the clerk of the county council notice in writing, which notice shall state whether the municipality appealing is willing to have the final equalization of the assessment made by the county judge;

(2) Every county council, at the same session in which the assessment has been equalized, shall determine whether the said council is willing to have the final equalization of the assessment in case of appeal made by the county judge;

(3) Upon receiving notice of appeal, in case any party to the appeal has objected to the final equalization of the assessment being made by the county judge, the clerk of the county council shall forthwith notify in writing the Provincial Secretary of such objection, giving the name or names of the municipality or municipalities so objecting;

(4) The Lieutenant-Governor in Council, upon receiving the notice in writing from the clerk of any county council, may appoint two persons, one of whom shall be the sheriff or registrar of the county in which the appeal is made, and the other a judge of another county, who together with the county judge shall form a court, in place of the court, and shall have all the powers and duties heretofore belonging to the court constituted for the same purpose by the thirty-third section of the Municipal Amendment Act of 1879, and the said court shall at such time and place as the Lieutenant-Governor in Council may appoint, proceed to hear and determine the matter of appeal, or may adjourn from time to time, and the judgment of the said court shall not be deferred beyond the first day of August next, after the notice of the appeal;

(5) The judge of the other county shall be entitled to a reasonable allowance for his services, the same not to exceed ten dollars a day, besides his travelling and other expenses, and to be paid by the county;

(6) Where all the parties to the appeal have agreed, as above provided, to have the final equalization of the assessment made by the county judge, the clerk of the county council shall forthwith notify in writing, the county judge, and the county judge shall appoint a day for hearing the appeal, as heretofore, and may on such day proceed to hear and determine the matter of appeal, as heretofore, and may adjourn the hearing from time to time, but the judgment shall not be deferred beyond the first day of August next after such appeal.

R.S.O., c. 180, s. 33 amended.

19. The thirty-third section of the Assessment Act is amended by striking out the words "an annual," and substituting therefor the word "any."

Section 45 amended.

20. The forty-fifth section of the Assessment Act is hereby repealed, and the following substituted therefor:

Payment of taxes by instalments.

(45) In cities, towns or incorporated villages the council may, by by-law, require the payment of taxes to be made into the office of the treasurer or collector by a day or days to be named therein, in bulk or by instalments, and may by such by-law allow a discount for the prompt payment of such taxes, or any instalment thereof, on or before the day or days on which the same shall be made payable, and may by such by-law impose

an additional percentage-charge on every unpaid tax or assessment or instalment thereof, which shall be added to such unpaid tax or assessment or instalment thereof, and be collected by the collectors as if the same had originally been imposed and formed part of such unpaid tax or assessment or instalment thereof.

R. S. O., c. 180, s. 45, repealed.

21. Section thirty-three of "the Municipal Amendment Act of 1879," is hereby repealed, and sub-section two of section sixty-eight of the Assessment Act is hereby revived.

Payment of taxes by one or more payments.

22. The council of every municipality which has the power to impose statute labour may pass by-laws to reduce or abolish the same, any provision of any law or statute to the contrary notwithstanding.

Statute labour

23. Save where otherwise hereinbefore declared, the provisions of this Act shall come into force and take effect on the first day of January next, except as to cities and towns separate from the county, and as to these this Act shall come into operation and be in force on, from and after the first day of July next.

Inconsistent enactments repealed.

24. All enactments inconsistent with this Act, though not herein expressly mentioned in that behalf, are hereby repealed so far as as they are inconsistent with this Act.

No. 119.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting Municipal Taxation and Exemptions.

1st Reading, 9th February, 1880.

With amendments to be proposed in Committee.

The Attorney-General.

TORONTO:
Printed by C. Blackett Robinson

No. 120.] BILL. [1880.

An Act respecting the Expenses of Inspecting Insurance Companies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Mode of determining the amount of contribution to expenses.

The amount to be annually contributed by the Insurance Companies within the operation of the Act passed in the forty-second year of Her Majesty's reign, chapter twenty-five, and intituled "An Act to provide for the inspection of Insurance Companies," shall be assessed *pro rata* upon the amounts of risks taken by each company during the preceding year, and such sum shall be paid to the provincial treasurer upon the issue of the annual license, or such other time as he may require, and his certificate as to the amount so payable by each or any company shall be conclusive; and this section shall be construed to apply as well to the year now last past for settling the contributions for that year by the said respective companies.

No. 120.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting the Expenses of Inspecting Insurance Companies.

1st Reading, 11th February, 1880.

Mr. CROOKS.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON

No. 121.] **BILL.** [1880.

An Act to amend the Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

R. S. O., c. 180, s. 87, sub-s. 2, repealed, and new sub-sec. substituted.

Subsection two of section eighty-seven of the Assessment Act is hereby repealed, and the following substituted therefor :—

(2) Whenever one person is assessed for lots or parts of several lots adjacent to one another in one municipality, the said part or parts shall be rated and charged for statute labour as if the same were one lot : but where not adjacent, such lots or parts of lots shall be rated and charged as separate lots, provided, however, that every resident shall have the right to perform his whole statute labour in the statute labour division in which his residence is situate, unless otherwise ordered by the municipal council.

No. 121.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the Assessment Act.

1st Reading, 11th February, 1880.

MR. LEES.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 122 BILL. [1880

An Act to amend the Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The ninety-third section of the Revised Statute respecting assessments is amended by adding thereto the following words: R. S. O., c. 180, s. 93, amended.

"But no such goods or chattels shall be distrained for taxes which are exempt from seizure under any writ of execution."

No. 122.

1st Session, 4th Legislature, 43 Vic., 1880

BILL.

An Act to amend the Assessment Act.

1st Reading, 11th February, 1880.

Mr. Metcalfe

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET

No. 123. [1880.

BILL.

An Act respecting the removal of persons from County Gaols to Provincial Institutions.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Appointment of bailiffs.

1. The Lieutenant-Governor may appoint a bailiff or bailiffs, male or female, who shall be designated and known as provincial bailiffs, and who shall be employed for the purpose of conveying any person from time to time confined in any of the common gaols of the Province or other place of custody, and liable to be thence lawfully removed to any asylum or other institution for the insane in this Province, or to the Reformatory for Boys, or to the Andrew Mercer Ontario Reformatory for Females, or to the Industrial Refuge for Girls, and also in the performance of such other duties as may be assigned to him, her, or them by the Inspector of Prisons and Public Charities.

Warrant for removal.

2. Any bailiff so appointed may convey any person from the gaol or other place of custody to such one of the provincial institutions in the foregoing section mentioned in which such person is lawfully directed to be confined, without any further authority than the warrant of the Inspector of Prisons and Asylums under his official seal and in duplicate, and such person shall be received into such provincial institution and there detained subject to the rules, regulations and discipline thereof until legally entitled to be discharged therefrom.

Powers of bailiffs.

3. Such bailiff, in the conveyance of any such person as aforesaid to any of the provincial institutions hereinbefore mentioned, may secure and convey him or her through any county or district through which such bailiff may have to pass, and until such person has been delivered to and placed in such provincial institution, such bailiff shall have, in every part of this Province, the same power and authority over and with regard to such person, and to command the assistance of any person to prevent his escape, and in recapturing him in case of an escape, as the sheriff of the county in which he was convicted or confined would himself have in conveying him or her from one part to another of that county.

Bailiffs to give and take receipts for persons in their charge.

4. Such bailiff shall give a copy of the warrant and a receipt to the sheriff or gaoler for every person so liable to be removed from the gaol or other place of custody, and shall thereupon with all convenient speed convey and deliver up such person with the other copy of the warrant to the superintendent or other official head of such provincial institution, who shall

give his receipt in writing for every such person so received by him to such bailiff, as evidence of his discharge of duty, and every such person shall be kept in such provincial institution until legally discharged, or removed under competent authority.

Payment by municipalities.

5. The county or other municipality, in which the gaol or other place of custody is located and from which any such person may be removed by such bailiff as aforesaid, shall be liable to pay to the treasurer of the Province, on demand, the expenses incurred in the removal and conveyance, as aforesaid, of each such person, together with sixty per centum added thereto toward the salary or other remuneration of such bailiff.

No. 123.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting the removal of persons from County Gaols to Provincial Institutions.

1st Reading, 12th February, 1880.

Mr. Wood.

TORONTO:

Printed by C. Blackett Robinson.

No. 123. [1880.

BILL.

An Act respecting the removal of persons from County Gaols to Provincial Institutions.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Appointment of bailiffs.

1. The Lieutenant-Governor may appoint a bailiff or bailiffs, male or female, who shall be designated and known as provincial bailiffs, and who shall be employed for the purpose of conveying any person from time to time confined in any of the common gaols of the Province or other place of custody, and liable to be thence lawfully removed to any asylum or other institution for the insane in this Province, or to the Reformatory Prison, or to the Andrew Mercer Ontario Reformatory for Females, or to the Industrial Refuge for Girls, and also in the performance of such other duties as may be assigned to him, her, or them by the Inspector of Prisons and Public Charities.

Warrant for removal.

2. Any bailiff so appointed may convey any person from the gaol or other place of custody to such one of the provincial institutions in the foregoing section mentioned in which such person is lawfully directed to be confined, without any further authority than the warrant of the Inspector of Prisons and Asylums under his official seal and in duplicate, and such person shall be received into such provincial institution and there detained subject to the rules, regulations and discipline thereof until legally entitled to be discharged therefrom.

Powers of bailiffs.

3. Such bailiff, in the conveyance of any such person as aforesaid to any of the provincial institutions hereinbefore mentioned, may secure and convey him or her through any county or district through which such bailiff may have to pass, and until such person has been delivered to and placed in such provincial institution, such bailiff shall have, in every part of this Province, the same power and authority over and with regard to such person, and to command the assistance of any person to prevent his escape, and in recapturing him in case of an escape, as the sheriff of the county in which he was convicted or confined would himself have in conveying him or her from one part to another of that county.

Bailiffs to give and take receipts for persons in their charge.

4. Such bailiff shall give a copy of the warrant and a receipt to the sheriff or gaoler for every person so liable to be removed from the gaol or other place of custody, and shall thereupon with all convenient speed convey and deliver up such person with the other copy of the warrant to the superintendent or other official head of such provincial institution, who shall

give his receipt in writing for every such person so received by him to such bailiff, as evidence of his discharge of duty, and every such person shall be kept in such provincial institution until legally discharged, or removed under competent authority.

Payment by municipalities.

5. The county or other municipality, from the gaol or other place of custody in which any such person may be removed by such bailiff as aforesaid, shall be liable to pay to the treasurer of the Province, on demand, the expenses incurred in the removal and conveyance, as aforesaid, of each such person, together with sixty per centum added thereto toward the salary or other remuneration of such bailiff.

No. 123.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting the removal of persons from County Gaols to Provincial Institutions.

1st Reading, 12th February, 1880.

Mr. Wood.

TORONTO:

Printed by C. Blackett Robinson.

No. 123. [1880.

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Warrant for removal.

2. Any bailiff so appointed may convey any person from the gaol or other place of custody to such one of the provincial institutions in the foregoing section mentioned in which such person is lawfully directed to be confined, without any further authority than the warrant of the Inspector of Prisons and Asylums under his official seal and in duplicate, and such person shall be received into such provincial institution and there detained subject to the rules, regulations and discipline thereof until legally entitled to be discharged therefrom.

Powers bailiffs.

3. Such bailiff, in the conveyance of any such person as aforesaid to any of the provincial institutions hereinbefore mentioned, may secure and convey him or her through any county or district through which such bailiff may have to pass, and until such person has been delivered to and placed in such provincial institution, such bailiff shall have, in every part of this Province, the same power and authority over and with regard to such person, and to command the assistance of any person to prevent his escape, and in recapturing him in case of an escape, as the sheriff of the county in which he was convicted or confined would himself have in conveying him or her from one part to another of that county.

Bailiffs to give and take receipts for persons in their charge.

4. Such bailiff shall give *one of the duplicates* of the warrant and a receipt to the sheriff or gaoler for every person so liable to be removed from the gaol or other place of custody, and shall thereupon with all convenient speed convey and deliver up such person with the other *duplicate* of the warrant to the superintendent or other official head of such provincial institution, who

shall give his receipt in writing for every such person so received by him to such bailiff, as evidence of his discharge of duty, and every such person shall be kept in such provincial institution until legally discharged, or removed under competent authority.

Payment by municipalities.

5. The county or other municipality, in which the gaol or other place of custody is located and from which any such person may be removed by such bailiff as aforesaid, shall be liable to pay to the treasurer of the Province, on demand, the expenses incurred in the removal and conveyance, as aforesaid, of each such person, together with sixty per centum added thereto toward the salary or other remuneration of such bailiff; ☞provided always that when gaols are maintained jointly by cities and counties, or in case of towns separated from counties, the county shall be held to be the municipality in which the gaol is located, and such cities or towns shall pay their just proportion of such salaries and expenses, and if not mutually agreed upon the same shall be determined by arbitration as provided by the Municipal Act.☜

Proviso.

No. 123.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting the removal of persons from County Gaols to Provincial Institutions.

Reprinted as Amended.

1st Reading, 12th February, 1880.

2nd Reading 23rd February, 1880.

Mr. Wood.

TORONTO:

Printed by C. Blackett Robinson.

No. 124.] BILL. [1880.

An Act to protect the goods of Lodgers against distresses for rent due to the Superior Landlord.

Preamble.

WHEREAS lodgers are subjected to great loss and injustice by the exercise of the power possessed by the superior landlord to levy a distress on their furniture, goods and chattels for arrears of rent due to such superior landlord by his immediate lessee or tenant:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Declaration by lodger that immediate tenant has no property in goods distrained.

1. If any superior landlord shall levy or authorize to be levied a distress on any furniture, goods or chattels of any lodger for arrears of rent due to such superior landlord by his immediate tenant, such lodger may serve such superior landlord, or the bailiff or other person employed by him to levy such distress, with a declaration in writing, made by such lodger, setting forth that such immediate tenant has no right of property or beneficial interest in the furniture, goods or chattels so distrained or threatened to be distrained upon, and that such furniture, goods or chattels are the property or in the lawful possession of such lodger; and also setting forth whether any and what rent is due, and for what period, from such lodger to his immediate landlord; and such lodger may pay to the superior landlord, or to the bailiff or other person employed by him as aforesaid, the rent, if any, so due as last aforesaid, or so much thereof as shall be sufficient to discharge the claim of such superior landlord: and to such declaration shall be annexed a correct inventory, subscribed by the lodger, of the furniture, goods and chattels referred to in the declaration; and if any lodger shall make or subscribe such declaration and inventory, knowing the same, or either of them, to be untrue in any material particular, he shall be liable, on conviction thereof before a police magistrate, or before any two justices of the peace having jurisdiction in the municipality in which the offence was committed, to a penalty not exceeding one hundred dollars and costs.

Penalty.

2. If any superior landlord, or any bailiff or other person employed by him, shall, after being served with the before mentioned declaration and inventory, and after the lodger shall have paid or tendered to such superior landlord, bailiff or other person, the rent, if any, which, by the last preceding section, such lodger is authorized to pay, shall levy or proceed with a distress on the furniture, goods or chattels of the lodger, such superior landlord, bailiff or other person shall be deemed guilty of an illegal distress, and the lodger may apply to a justice of

the peace for an order for the restoration to him of such goods; and such application shall be heard before a police magistrate, or before two justices of the peace in places where there is no police magistrate, and such magistrate or justices shall inquire into the truth of such declaration and inventory, and shall make such order for the recovery of the goods or otherwise as to him or them may seem just, and the superior landlord shall also be liable to an action at law at the suit of the lodger, in which action the truth of the declaration and inventory may likewise be inquired into.

Payments by lodger to superior landlord.

3. Any payment made by a lodger pursuant to the first section of this Act shall be deemed a valid payment on account of any rent due from him to his immediate landlord.

No. 124.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to protect the goods of Lodgers against distresses for rent due to the Superior Landlord.

First Reading, 13th February, 1880.

MR. MONK.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

No. 124.] **BILL.** [1880.

An Act to protect the goods of Lodgers *and Boarders* against distresses for rent due to the Superior Landlord.

WHEREAS lodgers *and boarders* are subjected to great loss and injustice by the exercise of the power possessed by the superior landlord to levy a distress on their furniture, goods and chattels for arrears of rent due to such superior landlord by his immediate lessee or tenant: Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. If any superior landlord shall levy or authorize to be levied a distress on any furniture, goods or chattels of any *boarder or* lodger for arrears of rent due to such superior landlord by his immediate tenant, such *boarder or* lodger may serve such superior landlord, or the bailiff or other person employed by him to levy such distress, with a declaration in writing, made by such *boarder or* lodger, setting forth that such immediate tenant has no right of property or beneficial interest in the furniture, goods or chattels so distrained or threatened to be distrained upon, and that such furniture, goods or chattels are the property or in the lawful possession of such *boarder or* lodger; and also setting forth whether any and what *amount by way of rent, board or otherwise* is due from such *boarder or* lodger to *the said immediate tenant;* and such *boarder or* lodger may pay to the superior landlord, or to the bailiff or other person employed by him as aforesaid, the *amount*, if any, so due as last aforesaid, or so much thereof as shall be sufficient to discharge the claim of such superior landlord: and to such declaration shall be annexed a correct inventory, subscribed by the *boarder or* lodger, of the furniture, goods and chattels referred to in the declaration. Declaration by boarder or lodger that immediate tenant has no property in goods distrained.

2. If any superior landlord, or any bailiff or other person employed by him, after being served with the before mentioned declaration and inventory, and after the *boarder or* lodger shall have paid or tendered to such superior landlord, bailiff or other person, the *amount*, if any, which, by the last preceding section, such *boarder or* lodger is authorized to pay, shall levy or proceed with a distress on the furniture, goods or chattels of the *boarder or* lodger, such superior landlord, bailiff or other person shall be deemed guilty of an illegal distress, and the *boarder or* lodger may *replevy such furniture, goods or chattels in any court of competent jurisdiction,* and the superior landlord shall also be liable to an action at law at the suit of the *boarder or* Penalty.

lodger, in which action the truth of the declaration and inventory may likewise be inquired into.

Payments by boarder or lodger to superior landlord.

3. Any payment made by a *boarder or* lodger pursuant to the first section of this Act shall be deemed a valid payment on account of any *amount* due from him to the said immediate tenant mentioned in section one of this Act.

Declaration, how made.

4. The declaration hereinbefore referred to shall be made under and in accordance with the "Act for the suppression of voluntary and extrajudicial oaths."

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to protect the goods of Lodgers *and Boarders* against distresses for rent due to the Superior Landlord.

(Reprinted as Amended.)

1st Reading, 13th February, 1880.
2nd " 18th " 1880.

Mr. MONK.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 124.] BILL. [1880.

An Act to protect the goods of Lodgers *and Boarders* against distresses for rent due to the Superior Landlord.

WHEREAS lodgers are subjected to great loss and injustice by the exercise of the power possessed by the superior landlord to levy a distress on their furniture, goods and chattels for arrears of rent due to such superior landlord by his immediate lessee or tenant : Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. If any superior landlord shall levy or authorize to be levied a distress on any furniture, goods or chattels of any *boarder or* lodger for arrears of rent *or board* due to such superior landlord by his immediate tenant, such *boarder or* lodger may serve such superior landlord, or the bailiff or other person employed by him to levy such distress, with a declaration in writing, made by such *boarder or* lodger, setting forth that such immediate tenant has no right of property or beneficial interest in the furniture, goods or chattels so distrained or threatened to be distrained upon, and that such furniture, goods or chattels are the property or in the lawful possession of such *boarder or* lodger ; and also setting forth whether any and what *amount by way of rent, board or otherwise* is due from such *boarder or* lodger to his immediate landlord ; and such *boarder or* lodger may pay to the superior landlord, or to the bailiff or other person employed by him as aforesaid, the *amount*, if any, so due as last aforesaid, or so much thereof as shall be sufficient to discharge the claim of such superior landlord : and to such declaration shall be annexed a correct inventory, subscribed by the *boarder or* lodger, of the furniture, goods and chattels referred to in the declaration. Declaration by boarder or lodger that immediate tenant has no property in goods distrained.

2. If any superior landlord, or any bailiff or other person employed by him, after being served with the before mentioned declaration and inventory, and after the *boarder or* lodger shall have paid or tendered to such superior landlord, bailiff or other person, the *amount*, if any, which, by the last preceding section, such *boarder or* lodger is authorized to pay, shall levy or proceed with a distress on the furniture, goods or chattels of the *boarder or* lodger, such superior landlord, bailiff or other person shall be deemed guilty of an illegal distress, and the *boarder or* lodger may *replevy such furniture, goods or chattels in any court of competent jurisdiction*, and the superior landlord shall also be liable to an action at law at the suit of the *boarder or* Penalty.

lodger, in which action the truth of the declaration and inventory may likewise be inquired into.

Payments by boarder or lodger to superior landlord.

3. Any payment made by a *boarder or* lodger pursuant to the first section of this Act shall be deemed a valid payment on account of any *amount* due from him to his immediate landlord.

Declaration, how made.

4. The declaration hereinbefore referred to shall be made under and in accordance with the "Act for the suppression of voluntary and extrajudicial oaths."

No. 124.

1st Session, 4th Legislature, 43 Vic., 1880

BILL.

An Act to protect the goods of Lodgers and *Boarders* against distresses for rent due to the Superior Landlord.

(Reprinted as Amended.)

1st Reading, 13th February, 1880.

2nd " 18th " 1880.

Mr. MONK.

TORONTO:

PRINTED BY C. B. ROBINSON, KING STREET.

No. 125.] BILL. [1880

An Act respecting the Ontario Reformatory for Boys.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpretation

1. The word "county," whenever it occurs in this Act, shall include any provisional county and any union of counties for judicial purposes, also the provisional judicial district of Algoma, the temporary judicial district of Nipissing, the territorial districts of Muskoka, Parry Sound, and Thunder Bay, and any other judicial or territorial division or district that may be formed out of any portion of the unorganized territory in this Province. The word "sentence," unless where the context requires a different meaning, shall include any order made by lawful authority for the confinement of any boy in the Reformatory hereinafter mentioned, and the word "sentenced" shall include the making of such order.

Name of Reformatory.

2. The institution established at Penetanguishene, and known as the Reformatory Prison, is hereby continued, and shall hereafter be designated the "Ontario Reformatory for Boys." (*Vide* R.S.O., cap. 218, sec 1.)

Property included in Reformatory.

3. The said Ontario Reformatory for Boys shall be held to include all the lands and buildings now attached and belonging to the said Reformatory, including the lands acquired from the Ordnance Department, and known as the redoubts, and whatever land may hereafter be purchased or acquired for the purposes of the said Reformatory, and whatever buildings may hereafter be erected upon any of the said lands. (*Vide* R S.O., cap. 217, sec. 36.)

Objects of Reformatory.

4. The said Reformatory shall have for its objects the custody and detention, with a view to their education, industrial training, and moral reclamation, of such boys as shall be lawfully sentenced to confinement therein. (*New*).

Appointment of certain officers.

5. The Lieutenant-Governor may from time to time appoint for the said Reformatory a Superintendent, a deputy-superintendent, a bursar, a storekeeper and steward, two or more schoolmasters, a surgeon, and such trade-instructors, overseers, and other officers and servants as the efficient management of the said Reformatory may require; and may fix and determine their respective salaries. (*Vide* R.S.O., cap. 217, sec. 3; cap. 218, sec. 2.)

Qualifications of school masters.

6. No person shall be deemed legally qualified to be a schoolmaster in the said Reformatory, who does not at the time of

his appointment, and during his tenancy of the office, hold a first or second-class certificate of qualification as public school teacher in this Province. (*New*).

Inspectors.

7. The Inspector of Prisons and Public Charities shall, by virtue of his office, be the Inspector of the said Reformatory. (*Vide* R.S.O., cap. 217, sec. 5.)

Notice to be sent to Inspector when any boy is sentenced to Reformatory.

8. Whenever a boy is sentenced to confinement in the said Reformatory, the sheriff or other officer having the lawful custody of such boy, shall forthwith notify the said Inspector of such sentence, and shall at the same time send to the said Inspector a copy of the sentence of such boy, taken from the minutes of the court before which such boy was tried, and certified by a judge, or the clerk, or acting clerk of such court, or in case the boy is held in custody under the order or warrant of a judge, justice of the peace, or other magistrate, a copy, certified by such sheriff or other officer, of the said order or warrant, together with a return in accordance with Schedule A to this Act, properly filled up. (*New*).

Warrant of removal.

9. The said Inspector may thereupon issue his warrant under his official seal to a Provincial bailiff requiring the said bailiff to take the said boy into his custody, and the said sheriff or other officer having the lawful custody of such boy, shall, when required so to do, upon production of the said warrant, deliver up the said boy to the said bailiff, and in case such sheriff or other officer holds a warrant or order for the confinement of such boy in the Reformatory, he shall also deliver the original warrant or order with such boy to the said bailiff, in order that he may deliver the same to the Superintendent of the Reformatory. (*New*).

Authority for removal.

10. The said bailiff may take into his custody, for the purpose of removal to the said Reformatory, any boy sentenced to the said Reformatory, without any further authority than the said warrant of the said Inspector and either the said certified copy of the sentence, or the said original warrant or order. (*Vide* R.S.O., cap. 217, sec. 17.)

Receipt to be given and taken by bailiff.

11. The said bailiff shall give a receipt for any such boy to the sheriff, gaoler, superintendent, or other officer having the custody of such boy, and shall thereupon, with all convenient speed, convey and deliver up such boy, with the said certified copy of the sentence, or such warrant or order, into the custody of the Superintendent of the said Reformatory, or the warden or keeper of the said place to which such boy may be lawfully removed, and the said Superintendent, warden, or keeper shall give a receipt in writing for every boy so received into his custody, to such bailiff as his discharge; and such boy shall be kept in custody in the said Reformatory, or other lawful place to which he has been so removed, until the termination of his sentence, or until his pardon, release, or discharge by law, or until he be removed therefrom under competent authority. (*Vide* R.S.O., cap. 217, sec. 20.)

Powers of bailiff.

12. The said bailiff may secure and convey such boy through any county through which he may have to pass; and

until such boy shall have been delivered to the Superintendent of the said Reformatory, or to the warden or keeper of any place to which such boy may lawfully be removed from the said Reformatory, the said bailiff shall have, in every part of this Province through which it may be necessary to convey such boy, the same power and authority over and with regard to such boy, and to command the assistance of any person to prevent his escape, and to recapture him in case of his escape, as the sheriff of the county in which he was convicted would himself have in conveying him from one part to another of that county. (*Vide* R.S.O., cap. 217, sec. 19.)

Warrant may be directed to person not a bailiff.

13. The Inspector may, whenever it is more convenient so to do, address his warrant for the removal of any boy to or from the said Reformatory (whose removal is by law required or authorized) to any fit and proper officer or person other than the said bailiff, and such officer and person shall thereupon, as to every such boy and for his removal or to prevent his escape or for his recapture, possess all the rights and authority which the bailiff of the Reformatory would have had if such warrant had been addressed to him, and shall perform the like duties. (*New*).

Contracts how to be made.

14. All dealings and transactions on account of the said Reformatory, and all contracts for goods, wares, or merchandise necessary for maintaining and carrying on the industrial operations of the said institution, or for the sale of goods prepared or manufactured therein, or for the hire, labour, or employment of any boy therein confined, either within or without the limits of the said Reformatory, shall be entered into and carried out in the corporate name of the said Inspector on behalf of Her Majesty. (*Vide* R.S.O., cap. 217, sec. 37.)

Inspector to make rules, etc.

15. The said Inspector shall make rules and regulations for the management, interior economy, and discipline of the said Reformatory, and for fixing and prescribing the duties and conduct of the Superintendent and every other officer and servant employed therein, and for the clothing, maintenance, education, employment, industrial instruction, classification, discipline, correction, punishment, reward, and general oversight and care of all boys sent to the said Reformatory, and may repeal and amend the same from time to time ; but no such rule or regulation, repeal or amendment shall have any effect unless and until it is first approved of by the Lieutenant-Governor in Council. (*Vide* R.S.O., cap. 217, sec. 6, and R.S.O., cap. 218, sec. 6.)

Powers of Inspector over officers of Reformatory.

16. The Inspector shall have power summarily to suspend any of the officers or servants of the said Reformatory for misconduct, until the circumstances of the case (of which the Lieutenant-Governor shall be at once notified) have been decided upon by the Lieutenant-Governor in Council, and the Inspector may, until such decision shall have been notified to him, cause any officer or servant so suspended to be removed beyond the precincts of the Reformatory ; and it shall be the duty of the said Inspector to recommend the removal of any officer or servant whom he finds incapable, inefficient, or negligent in the execution of his duty, or whose presence in the Reformatory he may deem injurious to the interests thereof ; and the pay of

every officer or servant so suspended shall cease during the period of such suspension. (*Vide* R.S.O., cap. 217, sec. 8.)

Inspector may impose fines.

17. The Inspector may impose upon any officer or servant of the said Reformatory, for any act of negligence, carelessness, or insubordination by him committed, a fine of reasonable amount, not exceeding one month's pay of such officer or servant, as the Inspector may think fit. (*Vide* R.S.O., cap. 217, sec. 9.)

Inspection of Reformatory by Inspector.

18. The Inspector shall have power at all times to enter into the said Reformatory, and have access to every part thereof, and to examine all papers, documents, vouchers, records, books, and other things belonging thereto; and to investigate the conduct of any officer or servant employed in or about such Reformatory, or of any person found within the precincts thereof, and may summon any person before him by order under his hand, and examine such person under oath, touching any matter relating to any breach of the rules of such Reformatory, or any matter affecting the interests of the institution, and may by the same or like order compel the production of books, papers, and writings before him; and any person, having been duly served with a copy of such order, who shall neglect or refuse to appear at the time and place specified therein, or shall refuse to give evidence, or to produce the books, papers, or writings demanded of him, may, by virtue of a warrant under the hand of the Inspector in that behalf, be taken into custody, and imprisoned in the common gaol as for contempt of court, for a period not exceeding fourteen days. (*Vide* R.S.O., cap 217, sec. 10.)

Audit by Inspector.

19. It shall also be the duty of the Inspector to audit the accounts of the bursar of the said Reformatory, to inquire into all money transactions when requisite, and to demand and obtain a statement of all cash transactions of such Reformatory every month. (*Vide* R.S.O., cap. 217, sec. 11).

Powers and duty of Superintendent.

20. The Superintendent of the Reformatory shall reside in a house to be provided for him within the grounds of the said Reformatory, and shall be the chief executive officer of the same, under the direction of the Inspector, and as such shall have the entire execution, control, and management of all its affairs, other than those under the control and management of the bursar, subject to the said rules and regulations made by the Inspector as aforesaid, and he shall be held responsible for the faithful and efficient administration of the offices of every department of the institution. (*Vide* R.S.O., cap. 217, sec. 21.)

Superintendent to receive and detain boys sentenced to Reformatory.

21. The Superintendent shall receive into the said Reformatory every boy legally certified to him as sentenced to confinement therein, and shall there detain him, subject to all the rules, regulations, and discipline thereof, until the time to which he has been sentenced shall be completed, or until he shall be otherwise lawfully discharged. (*Vide* R.S.O., cap. 217, sec. 18.)

Superintendent to notify parents, etc.

22. The Superintendent shall, upon the reception of any boy into the said Reformatory, ascertain the address of the parents, guardian, or other person with whom such boy has been living, and shall send by mail, registered, a notice that

such boy has been committed to the said Reformatory. (*Vide* Ontario Statutes, 42 Vic. c. 39, sec. 17.)

Books of account to remain in Reformatory.

23. All books of account, bills, registers, returns, receipts, bills of parcels, and vouchers, and all other books, papers, and documents of every kind relating to the affairs of the said Reformatory, shall be considered the property of Her Majesty and shall remain in the Reformatory; and the Superintendent of such Reformatory shall preserve therein at least one copy of all official reports made to the Legislature respecting the same, for which purpose, and for the purpose of enabling him to distribute such official reports in exchange for like documents from other similar institutions elsewhere, he shall be furnished by the clerk of the Legislative Assembly, on application, with fifty copies of such reports as printed by the said Legislative Assembly. (*Vide* R.S.O., cap. 217, sec. 38; 42 Vic., c. 38, sec. 31).

Official reports

Bursar, etc., to give security.

24. Every bursar, and every storekeeper and steward of the said Reformatory, shall severally execute to Her Majesty a bond, with the security of some guarantee company in good standing in this Province, conditioned for the faithful performance of the duties of their respective offices according to law, in the respective sums following, that is to say: the bursar in three thousand dollars, and the storekeeper and steward in one thousand dollars, which bond shall be filed in the office of the Provincial Secretary and Registrar. (*Vide* R.S.O., cap. 217, sec. 22; 42 Vic., c. 38, sec. 21).

Oaths to be taken by Superintendent, etc.

25. Every Superintendent, officer, and servant employed permanently in the said Reformatory, shall severally take and subscribe, in a book to be kept for that purpose by the bursar at his office, the oath of allegiance to Her Majesty, and the following oath of office, viz.:—(*Vide* R.S.O., cap. 217, sec. 23.)

"I, *(A.B.)*, do promise and swear (*or* affirm) that I will faithfully, diligently, and justly perform the duties of in the Ontario Reformatory for Boys to the best of my ability, and that I will carefully observe and carry out all the rules and regulations of the said Reformatory, so help me God." (*Vide* 42 Vic., cap. 38, sec. 22.)

Which oaths may be administered by the Inspector, or by a justice of the peace, and, in the case of any of the said officers or servants other than the Superintendent, by the Superintendent.

Officers not to be interested in any contract for supply of Reformatory.

Penalty.

26. No Inspector, Superintendent, or other officer or servant employed in the said Reformatory, shall, either in his own name, or in the name of or in connection with any other person, provide, furnish, or supply any materials, goods, or provisions, for the use of such Reformatory, or be concerned, directly or indirectly, in furnishing or supplying the same, or in any contract relating thereto, under a penalty of one thousand dollars, with full costs of suit, to any person who sues for the same in any court of competent jurisdiction in this Province, one-half of such penalty to belong to the person suing for the same, and the other half to Her Majesty for the public services of this Province. (*Vide* R.S.O., cap. 217, sec 24.)

Boys may be sent to Reformatory on proof that they are so incorrigible or vicious as to be beyond control.

27. Upon complaint and due proof made to the judge of any county court or to any police magistrate, by a parent or guardian of any boy between the ages of ten and thirteen years, that by reason of incorrigible or vicious conduct, such boy is beyond the control of such parent or guardian, and that a due regard for the material and moral welfare of such child manifestly requires that he should be committed to the said Reformatory, such judge or police magistrate may order such boy to be confined in the said Reformatory for an undefined period, not to extend beyond the said boy's attaining the age of twenty-one years. (*New. Adopted from Act relating to the Wiconsin Industrial School. Vide* also C. S. C., cap. 107, sec. 8, and 42 Vic., cap. 39, secs. 7 and 11.)

Time of confinement in Reformatory

28. Any court, judge, police, or stipendiary magistrate, or justice of the peace, who, under and by virtue of any Act of the Legislature of this Province, has, or shall have, power to sentence any boy to be confined in the said Reformatory for any stated period, may sentence such boy to be confined therein for an undefined period; and such boy shall thereupon be detained in the said Reformatory until he be reformed or otherwise fit to be apprenticed or bound out, or be probationally or permanently discharged, as hereinafter provided: Provided that such boy shall not be detained for a longer time than the maximum term of confinement for which he might have been sentenced for the offence of which he was convicted; and that no boy shall be sentenced under this section who cannot be imprisoned for two years or over. (*New*).

Proviso.

Warrant for detention in gaol of persons sentenced to Reformatory.

29. In case any boy is sentenced to confinement in the Reformatory, a copy of the sentence of the court duly certified as aforesaid, or the warrant or order of the judge, justice of the peace, or other magistrate by whom the boy is sentenced, shall be a sufficient authority to the sheriff, constable, or other officer who may be directed so to do (which direction may be verbal) to convey such boy to the common gaol of the county where such sentence is pronounced, and for the gaoler of such gaol to receive and detain the said boy until the provincial bailiff or other person entrusted with the warrant of the Inspector shall require the delivery of such boy for removal to the Reformatory. (*New*).

Detention in gaol when boy cannot safely or conveniently be removed.

30. In case any boy, sentenced under any Act of the Legislature of Ontario to be confined in the Reformatory, is in such a weak state of health that he cannot safely or conveniently be removed to the Reformatory, he may be detained in the common gaol or other place of confinement in which he may be, until he is sufficiently recovered to be safely and conveniently removed to the Reformatory; but any time during which such boy is so detained shall be reckoned in computing the time served by such boy in the Reformatory. (*Vide* 38 Vic. cap. 46, secs. 2 and 3, Dom.)

Record to be kept with a view to mitigation of sentence.

31. In order to encourage good behaviour and industry among the boys in the said Reformatory, and with a view to permitting every boy to earn a remission of a portion of the term for which he was sentenced to the said Reformatory, it shall be lawful for the Inspector to make rules so that a correct record of the conduct of every boy may be made under the mark system. (*Vide* R.S.O. cap. 217, sec. 7.)

32. When under the rules made in that behalf, a boy shall have obtained the requisite number of good marks, based upon good conduct, proficiency in school, and industrious habits, and shall in addition thereto have given satisfactory evidence of being reformed, it shall be the duty of the Superintendent to transmit to the Inspector a certificate to that effect, and also the separate certificates, to a like effect, or with such variations as their respective opinions may render necessary, of the minister or other person who has given religious instruction to such boy, of the schoolmaster who has given him secular instruction, and of the trade-intructors, if any, whom he has been under; whereupon, the Inspector, if he considers it requisite, shall make further inquiry into the facts, and having satisfied himself that the boy has earned his discharge shall forthwith transmit the certificates and other papers to the Attorney-General of the Province, with a recommendation that action be taken to have the remaining portion of the sentence of such boy remitted, or to have such boy discharged on probation for a stated period: Provided that no action shall be taken under this section in respect of any boy who has not been at least one year in the said Reformatory: Provided also that the judge of any county court or any police magistrate may, upon satisfactory proof that any boy who was sentenced under the provisions of an Act of the Legislature of Ontario and who has been discharged on probation, has violated the conditions of his discharge, order such boy to be recommitted to the said Reformatory, there to be confined for the residue of the term for which he was originally sentenced. (*New*).

Proceedings for remission of sentence.

Proviso.

Proviso.

33. In case any respectable and trustworthy person is willing to undertake the charge of any boy committed to the said Reformatory, whether such boy is under or over the age of twelve years, as an apprentice to the trade or calling of such person, or for the purpose of domestic service, and such boy is confined in the Reformatory by virtue of a sentence pronounced under the authority of any statute of this Province, the Superintendent may, with the consent and in the name of the said Inspector, bind the said boy to such person for any term not to extend beyond the said boy's attaining the age of eighteen years, and the Inspector shall thereupon order that such boy shall be discharged from the said Reformatory, and he shall be discharged accordingly: Provided that any wages reserved in any indenture of apprenticeship made under this section shall be payable to the said boy or to some other person for his benefit. (42 Vic. cap. 39, sec. 18.)

Superintendent may apprentice boys in certain cases.

Proviso.

34. Whenever the time of any boy's sentence in the said Reformatory, under any law within the legislative jurisdiction of this Province, shall expire on a Sunday, he shall be discharged on the previous Saturday, unless he desires to remain until the Monday following. (*Vide* R.S.O., cap. 217, sec. 33.)

Boys not to be discharged on Sunday.

35. No boy shall be discharged from the said Reformatory at the termination of his sentence, if then labouring under any cutaneous or infectious disease, or under any acute or dangerous illness, but he shall be permitted to remain in such Reformatory until he recovers from such disease or illness: Provided that any boy remaining in the said Reformatory from any such cause shall be under the same discipline and control as if his sentence were still unexpired. (*Vide* R.S.O., cap. 217, sec. 34.)

Boys not to be discharged if labouring under certain diseases.

Proviso.

R.S.O., c. 218 repealed.

36. Chapter two hundred and eighteen of the Revised Statutes of Ontario is hereby repealed.

SCHEDULE A.

ONTARIO REFORMATORY FOR BOYS.

Return made under 43 Vic. cap. , sec. 7, of boy in Gaol liable to transfer to the Reformatory.

(☞ A separate return to be made with each boy.)

1. Name in full
2. Age
3. From what court sentenced
4. Date of sentence
5. Period and nature of sentence
6. Place of residence
7. Place of birth
8. Name and post-office address of parents, guardian, or other person with whom boy has been living
9. Trade, occupation, or calling of boy, if any
10. Temperate or intemperate
11. If married, state the fact
12. Religious denomination
13. Degree of education
14. Offence
15. Fine, if any
16. Gaoler's opinion as to physical and mental condition of boy, and his fitness to perform ordinary work

(Signature of sheriff)

(Date of return)

No. 125.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting the Ontario Reformatory for Boys.

First Reading, 13th February, 1880.

Mr. Wood.

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET

No. 125.] BILL. [1880.

An Act respecting the Ontario Reformatory for Boys.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpretation.

1. The word "county," whenever it occurs in this Act, shall include any provisional county and any union of counties for judicial purposes, also the provisional judicial district of Algoma, the temporary judicial district of Nipissing, the territorial districts of Muskoka, Parry Sound, and Thunder Bay, and any other judicial or territorial division or district that may be formed out of any portion of the unorganized territory in this Province. The word "sentence," unless where the context requires a different meaning, shall include any order made by lawful authority for the confinement of any boy in the Reformatory hereinafter mentioned, and the word "sentenced" shall include the making of such order.

Name of Reformatory.

2. The institution established at Penetanguishene, and known as the Reformatory Prison, is hereby continued, and shall hereafter be designated the "Ontario Reformatory for Boys." (*Vide* R.S.O., cap. 218, sec 1.)

Property included in Reformatory.

3. The said Ontario Reformatory for Boys shall be held to include all the lands and buildings now attached and belonging to the said Reformatory, including the lands acquired from the Ordnance Department, and known as the redoubts, and whatever land may hereafter be purchased or acquired for the purposes of the said Reformatory, and whatever buildings may hereafter be erected upon any of the said lands. (*Vide* R S.O., cap. 217, sec. 36.)

Objects of Reformatory.

4. The said Reformatory shall have for its objects the custody and detention, with a view to their education, industrial training, and moral reclamation, of such boys as shall be lawfully sentenced to confinement therein. (*New*).

Appointment of certain officers.

5. The Lieutenant-Governor may from time to time appoint for the said Reformatory a Superintendent, a deputy-superintendent, a bursar, a storekeeper and steward, two or more schoolmasters, a surgeon, and such trade-instructors, overseers, and other officers and servants as the efficient management of the said Reformatory may require; and may fix and determine their respective salaries. (*Vide* R.S.O., cap. 217, sec. 3; cap. 218, sec. 2.)

Qualifications of school masters.

6. No person shall be deemed legally qualified to be a schoolmaster in the said Reformatory, who does not at the time of

his appointment, and during his tenancy of the office, hold a first or second-class certificate of qualification as public school teacher in this Province. (*New*).

Inspectors.

7. The Inspector of Prisons and Public Charities shall, by virtue of his office, be the Inspector of the said Reformatory. (*Vide* R.S.O., cap. 217, sec. 5.)

Notice to be sent to Inspector when any boy is sentenced to Reformatory.

8. Whenever a boy is sentenced to confinement in the said Reformatory, the sheriff or other officer having the lawful custody of such boy, shall forthwith notify the said Inspector of such sentence, and shall at the same time send to the said Inspector a copy of the sentence of such boy, taken from the minutes of the court before which such boy was tried, and certified by a judge, or the clerk, or acting clerk of such court, or in case the boy is held in custody under the order or warrant of a judge, justice of the peace, or other magistrate, a copy, certified by such sheriff or other officer, of the said order or warrant, together with a return in accordance with Schedule A to this Act, properly filled up. (*New*).

Warrant of removal.

9. The said Inspector may thereupon issue his warrant, *in duplicate* under his official seal, to a Provincial bailiff requiring the said bailiff to take the said boy into his custody, and the said sheriff or other officer having the lawful custody of such boy, shall, when required so to do, upon production of *one of the duplicates of* the said warrant, deliver up the said boy to the said bailiff, and in case such sheriff or other officer holds a warrant or order for the confinement of such boy in the Reformatory, he shall also deliver the original warrant or order with such boy to the said bailiff, in order that he may deliver the same to the Superintendent of the Reformatory. (*New*).

Authority for removal.

10. The said bailiff may take into his custody, for the purpose of removal to the said Reformatory, any boy sentenced to the said Reformatory, without any further authority than the said warrant of the said Inspector and either the said certified copy of the sentence, or the said original warrant or order. (*Vide* R.S.O., cap. 217, sec. 17.)

Receipt to be given and taken by bailiff.

11. The said bailiff shall give *one of the duplicates of the said warrant and* a receipt for any such boy to the sheriff, gaoler, superintendent, or other officer having the custody of such boy, and shall thereupon, with all convenient speed, convey and deliver up such boy, with the said certified copy of the sentence, or such warrant or order, into the custody of the Superintendent of the said Reformatory, or the warden or keeper of the said place to which such boy may be lawfully removed, and the said Superintendent, warden, or keeper shall give a receipt in writing for every boy so received into his custody, to such bailiff as his discharge; and such boy shall be kept in custody in the said Reformatory, or other lawful place to which he has been so removed, until the termination of his sentence, or until his pardon, release, or discharge by law, or until he be removed therefrom under competent authority. (*Vide* R.S.O., cap. 217, sec. 20.)

Powers of bailiff.

12. The said bailiff may secure and convey such boy through any county through which he may have to pass; and

until such boy shall have been delivered to the Superintendent of the said Reformatory, or to the warden or keeper of any place to which such boy may lawfully be removed from the said Reformatory, the said bailiff shall have, in every part of this Province through which it may be necessary to convey such boy, the same power and authority over and with regard to such boy, and to command the assistance of any person to prevent his escape, and to recapture him in case of his escape, as the sheriff of the county in which he was convicted would himself have in conveying him from one part to another of that county. (*Vide* R.S.O., cap. 217, sec. 19.)

Warrant may be directed to person not a bailiff.

13. The Inspector may, whenever it is more convenient so to do, address his warrant for the removal of any boy to or from the said Reformatory (whose removal is by law required or authorized) to any fit and proper officer or person other than the said bailiff, and such officer and person shall thereupon, as to every such boy and for his removal or to prevent his escape or for his recapture, possess all the rights and authority which the bailiff of the Reformatory would have had if such warrant had been addressed to him, and shall perform the like duties. (*New*).

Contracts how to be made.

14. All dealings and transactions on account of the said Reformatory, and all contracts for goods, wares, or merchandise necessary for maintaining and carrying on the industrial operations of the said institution, or for the sale of goods prepared or manufactured therein, or for the hire, labour, or employment of any boy therein confined, either within or without the limits of the said Reformatory, shall be entered into and carried out in the corporate name of the said Inspector on behalf of Her Majesty. (*Vide* R.S.O., cap. 217, sec. 37.)

Inspector to make rules, etc.

15. The said Inspector shall make rules and regulations for the management, interior economy, and discipline of the said Reformatory, and for fixing and prescribing the duties and conduct of the Superintendent and every other officer and servant employed therein, and for the clothing, maintenance, education, employment, industrial instruction, classification, discipline, correction, punishment, reward, and general oversight and care of all boys sent to the said Reformatory, and may repeal and amend the same from time to time ; but no such rule or regulation, repeal or amendment shall have any effect unless and until it is first approved of by the Lieutenant-Governor in Council. (*Vide* R.S.O., cap. 217, sec. 6, and R.S.O., cap. 218, sec. 6.)

Powers of Inspector over officers of Reformatory.

16. The Inspector shall have power summarily to suspend any of the officers or servants of the said Reformatory for misconduct, until the circumstances of the case (of which the Lieutenant-Governor shall be at once notified) have been decided upon by the Lieutenant-Governor in Council, and the Inspector may, until such decision shall have been notified to him, cause any officer or servant so suspended to be removed beyond the precincts of the Reformatory ; and it shall be the duty of the said Inspector to recommend the removal of any officer or servant whom he finds incapable, inefficient, or negligent in the execution of his duty, or whose presence in the Reformatory he may deem injurious to the interests thereof ; and the pay of

every officer or servant so suspended shall cease during the period of such suspension. (*Vide* R.S.O., cap. 217, sec. 8.)

Inspector may impose fines.

17. The Inspector may impose upon any officer or servant of the said Reformatory, for any act of negligence, carelessness, or insubordination by him committed, a fine of reasonable amount, not exceeding one month's pay of such officer or servant, as the Inspector may think fit. (*Vide* R.S.O., cap. 217, sec. 9.)

Inspection of Reformatory by Inspector.

18. The Inspector shall have power at all times to enter into the said Reformatory, and have access to every part thereof, and to examine all papers, documents, vouchers, records, books, and other things belonging thereto; and to investigate the conduct of any officer or servant employed in or about such Reformatory, or of any person found within the precincts thereof, and may summon any person before him by order under his hand, and examine such person under oath, touching any matter relating to any breach of the rules of such Reformatory, or any matter affecting the interests of the institution, and may by the same or like order compel the production of books, papers, and writings before him; and any person, having been duly served with a copy of such order, who shall neglect or refuse to appear at the time and place specified therein, or shall refuse to give evidence, or to produce the books, papers, or writings demanded of him, may, by virtue of a warrant under the hand of the Inspector in that behalf, be taken into custody, and imprisoned in the common gaol as for contempt of court, for a period not exceeding fourteen days. (*Vide* R.S.O., cap 217, sec. 10.)

Audit by Inspector.

19. It shall also be the duty of the Inspector to audit the accounts of the bursar of the said Reformatory, to inquire into all money transactions when requisite, and to demand and obtain a statement of all cash transactions of such Reformatory every month. (*Vide* R.S.O., cap. 217, sec. 11).

Powers and duty of Superintendent.

20. The Superintendent of the Reformatory shall reside in a house to be provided for him within the grounds of the said Reformatory, and shall be the chief executive officer of the same, under the direction of the Inspector, and as such shall have the entire execution, control, and management of all its affairs, other than those under the control and management of the bursar, subject to the said rules and regulations made by the Inspector as aforesaid, and he shall be held responsible for the faithful and efficient administration of the offices of every department of the institution. (*Vide* R.S.O., cap. 217, sec. 21.)

Superintendent to receive and detain boys sentenced to Reformatory.

21. The Superintendent shall receive into the said Reformatory every boy legally certified to him as sentenced to confinement therein, and shall there detain him, subject to all the rules, regulations, and discipline thereof, until the time to which he has been sentenced shall be completed, or until he shall be otherwise lawfully discharged. (*Vide* R.S.O., cap. 217, sec. 18.)

Superintendent to notify parents, etc.

22. The Superintendent shall, upon the reception of any boy into the said Reformatory, ascertain the address of the parents, guardian, or other person with whom such boy has been living, and shall send by mail, registered, a notice that

such boy has been committed to the said Reformatory. (*Vide* Ontario Statutes, 42 Vic. c. 39, sec. 17.)

Books of account to remain in Reformatory.

23. All books of account, bills, registers, returns, receipts, bills of parcels, and vouchers, and all other books, papers, and documents of every kind relating to the affairs of the said Reformatory, shall be considered the property of Her Majesty and shall remain in the Reformatory; and the Superintendent of such Reformatory shall preserve therein at least one copy of all official reports made to the Legislature respecting the same, for which purpose, and for the purpose of enabling him to distribute such official reports in exchange for like documents from other similar institutions elsewhere, he shall be furnished by the clerk of the Legislative Assembly, on application, with fifty copies of such reports as printed by the said Legislative Assembly. (*Vide* R.S.O., cap. 217, sec. 38; 42 Vic., c. 38, sec. 31).

Official reports.

Bursar, etc., to give security.

24. Every bursar, and every storekeeper and steward of the said Reformatory, shall severally execute to Her Majesty a bond, with the security of some guarantee company in good standing in this Province, conditioned for the faithful performance of the duties of their respective offices according to law, in the respective sums following, that is to say: the bursar in three thousand dollars, and the storekeeper and steward in one thousand dollars, which bond shall be filed in the office of the Provincial Secretary and Registrar. (*Vide* R.S.O., cap. 217, sec. 22; 42 Vic., c. 38, sec. 21).

Oaths to be taken by Superintendent, etc.

25. Every Superintendent, officer, and servant employed permanently in the said Reformatory, shall severally take and subscribe, in a book to be kept for that purpose by the bursar at his office, the oath of allegiance to Her Majesty, and the following oath of office, viz.:—(*Vide* R.S.O., cap. 217, sec. 23.)

"I, *(A.B.)*, do promise and swear (*or* affirm) that I will faithfully, diligently, and justly perform the duties of in the Ontario Reformatory for Boys to the best of my ability, and that I will carefully observe and carry out all the rules and regulations of the said Reformatory, so help me God." (*Vide* 42 Vic., cap. 38, sec. 22.)

Which oaths may be administered by the Inspector, or by a justice of the peace, and, in the case of any of the said officers or servants other than the Superintendent, by the Superintendent.

Officers not to be interested in any contract for supply of Reformatory.

Penalty.

26. No Inspector, Superintendent, or other officer or servant employed in the said Reformatory, shall, either in his own name, or in the name of or in connection with any other person, provide, furnish, or supply any materials, goods, or provisions, for the use of such Reformatory, or be concerned, directly or indirectly, in furnishing or supplying the same, or in any contract relating thereto, under a penalty of one thousand dollars, with full costs of suit, to any person who sues for the same in any court of competent jurisdiction in this Province, one-half of such penalty to belong to the person suing for the same, and the other half to Her Majesty for the public services of this Province. (*Vide* R.S.O., cap. 217, sec 24.)

Boys may be sent to Reformatory on proof that they are so incorrigible or vicious as to be beyond control.

27. Upon complaint and due proof made to the judge of any county court or to any police magistrate, by a parent or guardian of any boy between the ages of ten and thirteen years, that by reason of incorrigible or vicious conduct, such boy is beyond the control of such parent or guardian, and that a due regard for the material and moral welfare of such child manifestly requires that he should be committed to the said Reformatory, such judge or police magistrate may order such boy to be confined in the said Reformatory for an undefined period not to *exceed five years.* (*New. Adopted from Act relating to the Wisconsin Industrial School. Vide* also C. S C., cap. 107, sec. 8, and 42 Vic., cap. 39, secs. 7 and 11.)

Time of confinement in Reformatory.

28. Any court, judge, police, or stipendiary magistrate, or justice of the peace, who, under and by virtue of any Act of the Legislature of this Province, has, or shall have, power to sentence any boy to be confined in the said Reformatory for any stated period, may sentence such boy to be confined therein for an undefined period; and such boy shall thereupon be detained in the said Reformatory until he be reformed or otherwise fit to be apprenticed or bound out, or be probationally or permanently discharged, as hereinafter provided: Provided that such boy shall not be detained for a longer time than the maximum term of confinement for which he might have been sentenced for the offence of which he was convicted; and that no boy shall be sentenced under this section who cannot be imprisoned for two years or over. (*New*).

Proviso.

Warrant for detention in gaol of persons sentenced to Reformatory.

29. In case any boy is sentenced to confinement in the Reformatory, a copy of the sentence of the court duly certified as aforesaid, or the warrant or order of the judge, justice of the peace, or other magistrate by whom the boy is sentenced, shall be a sufficient authority to the sheriff, constable, or other officer who may be directed so to do (which direction may be verbal) to convey such boy to the common gaol of the county where such sentence is pronounced, and for the gaoler of such gaol to receive and detain the said boy until the provincial bailiff or other person entrusted with the warrant of the Inspector shall require the delivery of such boy for removal to the Reformatory. (*New*).

Detention in gaol when boy cannot safely or conveniently be removed.

30. In case any boy, sentenced under any Act of the Legislature of Ontario to be confined in the Reformatory, is in such a weak state of health that he cannot safely or conveniently be removed to the Reformatory, he may be detained in the common gaol or other place of confinement in which he may be, until he is sufficiently recovered to be safely and conveniently removed to the Reformatory; but any time during which such boy is so detained shall be reckoned in computing the time served by such boy in the Reformatory. (*Vide* 38 Vic. cap. 46, secs. 2 and 3, Dom.)

Record to be kept with a view to mitigation of sentence.

31. In order to encourage good behaviour and industry among the boys in the said Reformatory, and with a view to permitting every boy to earn a remission of a portion of the term for which he was sentenced to the said Reformatory, it shall be lawful for the Inspector to make rules so that a correct record of the conduct of every boy may be made under the mark system. (*Vide* R.S.O. cap. 217, sec. 7.)

Proceedings for remission of sentence.

32. When under the rules made in that behalf, a boy shall have obtained the requisite number of good marks, based upon good conduct, proficiency in school, and industrious habits, and shall in addition thereto have given satisfactory evidence of being reformed, it shall be the duty of the Superintendent to transmit to the Inspector a certificate to that effect, and also the separate certificates, to a like effect, or with such variations as their respective opinions may render necessary, of the minister or other person who has given religious instruction to such boy, of the schoolmaster who has given him secular instruction, and of the trade-intructors, if any, whom he has been under; whereupon, the Inspector, if he considers it requisite, shall make further inquiry into the facts, and having satisfied himself that the boy has earned his discharge shall forthwith transmit the certificates and other papers to the Attorney-General of the Province, with a recommendation that action be taken to have the remaining portion of the sentence of such boy remitted, or to have such boy discharged on probation for a stated period: Provided that no action shall be taken under this section in respect of any boy who has not been at least one year in the said Reformatory: Provided also that the judge of any county court or any police magistrate may, upon satisfactory proof that any boy who was sentenced under the provisions of an Act of the Legislature of Ontario and who has been discharged on probation, has violated the conditions of his discharge, order such boy to be recommitted to the said Reformatory, there to be confined for the residue of the term for which he was originally sentenced. (*New*).

Proviso.

Proviso.

Superintendent may apprentice boys in certain cases.

33. In case any respectable and trustworthy person is willing to undertake the charge of any boy committed to the said Reformatory, *when* such boy is over the age of twelve years, as an apprentice to the trade or calling of such person, or for the purpose of domestic service, and such boy is confined in the Reformatory by virtue of a sentence pronounced under the authority of any statute of this Province, the Superintendent may, with the consent and in the name of the said Inspector, bind the said boy to such person for any term not to extend beyond *a period of five years from the commencement of his imprisonment, without his consent,* and the Inspector shall thereupon order that such boy shall be discharged from the said Reformatory, and he shall be discharged accordingly: Provided that any wages reserved in any indenture of apprenticeship made under this section shall be payable to the said boy or to some other person for his benefit. (42 Vic. cap. 39, sec. 18.)

Proviso.

Boys not to be discharged on Sunday.

34. Whenever the time of any boy's sentence in the said Reformatory, under any law within the legislative jurisdiction of this Province, shall expire on a Sunday, he shall be discharged on the previous Saturday, unless he desires to remain until the Monday following. (*Vide* R.S.O., cap. 217, sec. 33.)

Boys not to be discharged if labouring under certain diseases.

35. No boy shall be discharged from the said Reformatory at the termination of his sentence, if then labouring under any *contagious* or infectious disease, or under any acute or dangerous illness, but he shall be permitted to remain in such Reformatory until he recovers from such disease or illness: Provided that any boy remaining in the said Reformatory from any such cause shall be under the same discipline and control as if his sentence were still unexpired. (*Vide* R.S.O., cap. 217, sec. 34.)

Proviso.

R.S.O., c. 218 repealed.

36. Chapter two hundred and eighteen of the Revised Statutes of Ontario is hereby repealed.

SCHEDULE A.

(Section 8.)

ONTARIO REFORMATORY FOR BOYS.

Return made under 43 Vic. cap. , sec. 8, of boy in Gaol liable to transfer to the Reformatory.

(☞ A separate return to be made with each boy.)

1. Name in full
2. Age
3. From what court sentenced
4. Date of sentence
5. Period and nature of sentence
6. Place of residence
7. Place of birth
8. Name and post-office address of parents, guardian, or other person with whom boy has been living
9. Trade, occupation, or calling of boy, if any
10. Temperate or intemperate
11. If married, state the fact
12. Religious denomination
13. Degree of education
14. Offence
15. Fine, if any
16. Gaoler's opinion as to physical and mental condition of boy, and his fitness to perform ordinary work

(Signature of sheriff)

(Date of return)

No. 125.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting the Ontario Reformatory for Boys.

(Reprinted as Amended.)

First Reading, 13th February, 1880.

Second " 24th " 1880.

Mr. Wood.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 126.] **BILL.** [1880.

An Act respecting Niagara Falls and the adjacent territory.

Preamble.

WHEREAS it has been proposed that the Governments of the Dominion of Canada and the State of New York should take steps to restore, to some extent, the scenery around the Falls of Niagara to its natural condition, and to preserve the same from further deterioration, as well as to afford to travellers and others facilities for observing the points of interest in the vicinity; and whereas it is desirable that any action that the Government and Parliament of Canada may desire to take for the purpose of acquiring the lands in the neighbourhood of the Falls with a view to the said objects should be aided in manner hereinafter appearing so far as relates to any matter within the authority of the Legislature of Ontario;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Minister of Public Works of Dominion may acquire land.

1. The Minister of Public Works of the Dominion of Canada may, if he thinks fit, acquire and take possession for and in the name of Her Majesty of any land or real estate, streams, waters, water-courses, fences and walls, the appropriation of which is in his judgment necessary or expedient to be acquired or taken for the purposes aforesaid, and may need, or be supposed to need, the authority of the Legislature of Ontario in this behalf.

May contract with trustees and with persons under disability.

2. The said Minister may, if he thinks fit, for any such purpose contract with all persons, guardians, tutors, curators and trustees whatsoever, not only for themselves, their heirs, successors and assigns, but also for and on behalf of those whom they represent, whether infants, absentees, lunatics, married women, or other persons otherwise incapable of contracting, possessed of or interested in such lands, real property, streams, water and water-courses; and all such contracts and all conveyances or other instruments made in pursuance of any such contract, shall be valid to all intents and purposes whatever. (*Vide* R. S. O., cap.30, sec. 29.)

Minister of Public Works to have powers conferred on Commissioner of Public Works by R. S. O. c. 30.

3. The said Minister may, if he thinks fit, for the purposes of the preceding section, take any proceeding which the Commissioner of PublicWorks of Ontario is by the Revised Statute respecting the public works of Ontario authorized to take for acquiring or taking possession of any land, the appropriation of which is in his judgment necessary to be acquired or taken for the use of a public work, and the provisions of the said Revised Statute shall, with the substitution of the Minister of Public Works of Canada for the Commissioner of Public Works of Ontario, wherever the said Commissioner is mentioned or re-

ferred to in the said Act, extend to any action or proceeding taken under this Act, except that the arbitrators from time to time appointed under the Act respecting the Public Works of Canada passed by the Parliament of Canada in the thirty-first year of Her Majesty's reign, shall be the arbitrators to whom any matter arising under this Act shall be referred.

Powers of court or judge.

4. Any court or judge having authority under the said Revised Statute shall have the like authority in any similar proceeding taken under this Act.

Minister of Public Works not personally liable.

5. Where, under or by virtue of this Act, any payment is to be made by the Minister of Public Works of Canada, the Minister of Public Works shall not under this Act be in any wise personally liable thereto, or for any proceedings had or taken by virtue of this Act.

Compensation to be in place of land or any charge thereon.

6. The compensation money agreed upon or paid into court as is provided by the said Revised Statute respecting the public works of Ontario, or awarded by the arbitrators mentioned in section three of this Act, for any lands or property acquired or taken by the said Minister, and which may under this Act be taken by the said Minister without the consent of the proprietor, shall stand in the stead of such lands or property; and any claim to or encumbrance upon such lands or property shall, as respects the Crown, be converted into a claim to such compensation money or to a proportionate amount thereof, and shall be void as respects the lands or property themselves, which shall by the fact of the taking possession thereof under this Act, notwithstanding any irregularity in the previous proceedings, become and be absolutely vested in the Crown, as shall also any lands or property taken possession of by the Crown under this Act, whether there be or be not any conveyance, agreement, or award respecting the same, subject always to the determination of the compensation to be paid, and to the payment thereof when such conveyance, agreement, or award has been made.

Abandonment of purchase.

7. In case the Minister of Public Works takes proceedings under this Act, and compensation is awarded by the arbitrators, if the said Minister has not taken possession of the land or property in respect of which such compensation is so awarded, he may within six months after the publication of the award elect to abandon the proposed purchase, paying to the owner or occupier in whose favour compensation has been awarded any costs and charges reasonably incurred by such owner or occupier in and about the arbitration and other proceedings.

No. 126.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting Niagara Falls and the adjacent terr tory.

1st Reading, 16th February, 1880.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON

No. 127.] BILL. [1880.

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows: –

The council of every city, town, and incorporated village may pass by-laws:— Powers of councils.

(1) For entering upon, taking or using any land in any other municipality, and for opening, making, preserving, improving, repairing, widening, altering, diverting, stopping up and pulling down drains, sewers, or watercourses outside the limits of the said municipality, passing said by-law subject to the restrictions in this Act contained; Making drains outside of municipality.

(2) For accepting and purchasing land in any other municipality required for the above purposes or any of them, or for the prevention of floods, and thereupon such land although without the municipality shall become part thereof and shall cease to be part of the municipality to which it formerly belonged, and such by-law shall not be repealed. The compensation to be paid for said land shall be determined and paid in the manner provided in section four hundred and fifty-six of the Municipal Act. Taking land outside of municipality. Compensation.

No. 127.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the Municipal Act.

1st Reading, 16th February, 1889.

C. R. LONG.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 128.] BILL. [1880

An Act to extend the powers of Joint Stock Companies for the erection of Exhibition Buildings.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Resolution for increase of capital.

1. Whenever the directors of any company incorporated under the Revised Statute respecting Joint Stock Companies for the erection of Exhibition Buildings, are of opinion that the capital of the company is insufficient for the purposes of the company, they may from time to time pass a resolution authorizing the increase of the capital, and such resolution shall declare the additional number of twenty dollar shares that shall be issued. (*Vide* R. S. O. Cap. 152, Sec. 30.)

Resolution to be delivered registrar.

2. A copy of the said resolution certified under the hand of the president, and sealed with the seal of the company, shall be delivered to the registrar having the custody of the original instrument of incorporation, or his deputy, who shall attach the same to such original instrument and note thereon the time of the day, and the day of the month, and year of the receipt of the same, and thereupon the authorized capital of the company shall be increased as mentioned in such resolution. (*Vide idem*, Sec. 31.)

Allotment of shares.

3. The directors may also direct how the said shares shall be allotted, sold or subscribed for, and at what rate of discount or premium the same shall be allotted, sold, or subscribed for.

Calls.

4. Such additional shares may be called in, demanded, and recovered in the same manner and under the same penalties as provided or authorized as to the original stock.

Power to borrow.

5. Every company incorporated as aforesaid may from time to time borrow such moneys as the directors may find requisite for the purposes of the company, from such person or bodies corporate as may be willing to lend the same, and at such lawful rate of interest as may be agreed upon, and may by instrument under the seal of the company secure payment thereof; and the directors may under the authority of a resolution passed by a majority of two thirds in value of the shareholders present in person or by proxy at a general meeting hypothecate, mortgage, or pledge the real or personal property of the company to secure any sum or sums so borrowed; and the recital of such resolution, passed as aforesaid, in the said instrument shall be *prima facie* evidence of the facts so recited. (*Vide* R. S. O., Cap. 150, Sec. 30.

No. 128.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to extend the powers of Joint Stock Companies for the erection of Exhibition Buildings.

First Reading, 16th February, 1880.

Mr. SINCLAIR.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 129.] BILL. [1880.

An Act respecting the Proof of Proceedings in Provincial and Colonial Courts.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Judgments, &c., proved by exemplification thereof.

1. Any judgment, decree or other judicial proceeding recovered, made, had or taken in any court of record in any of the Provinces of Canada, or in any British colony or possession, may be proved in any suit, action or proceeding, either at law or equity, in Ontario—in which proof of any such judgment, decree or judicial proceeding may be necessary or required by an exemplification of the same—under the seal of the court in which such judgment, decree or other judicial proceeding was recovered, made, had, or taken; and without any proof of the authenticity of such seal, or other proof whatever; in the same manner as any judgment, decree or similar judicial proceeding of any of the superior courts of common law or equity in Ontario may be proved by an exemplification thereof in any judicial or other proceeding in the said last mentioned courts respectively (R. S. O., ch. 62, sec. 31).

No. 129.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting the Proof of Proceedings in Provincial and Colonial Courts.

First Reading, 18th February, 1880.

The Attorney-General.

TORONTO
Printed by C. B. Robinson, Jordan Street.

No. 130.] BILL. [1880.

An Act for the relief of Permanent Building Societies.

Preamble

WHEREAS, acting under the authority of the Act passed in the thirty-ninth year of Her Majesty's reign, entitled "An Act to make further provisions respecting Building Societies," and of "The Revised Statute respecting Permanent Building Societies," the Treasurer of Ontario has from time to time furnished to building societies in Ontario, on their application, printed forms purporting to be forms of statement in accordance with the requirements of the said statutes, and having printed thereon a form of affidavit of attestation to be made by the officers of the societies attesting such statement; and whereas, on account of the language used in the said forms not being identical with the language of the said statutes, doubts have arisen as to whether returns and affidavits made upon the said forms are a compliance with the said statutes, and it is desirable to remove such doubts and to relieve societies whose officers have made their returns upon the said forms from being harassed by suits for penalties under the said Act, and also to amend the said Revised Statute:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Certain statements confirmed.

1. Every statement transmitted to the Treasurer of Ontario by any Permanent Building Society incorporated under the authority of chapter one hundred and sixty-four of the Revised Statutes of Ontario, or of any former Act respecting Building Societies, filled up and attested substantially according to the said printed forms, shall be deemed and taken to be, and to have been, a statement complying in all respects with the provisions of the eighteenth and nineteenth sections of the said Act, entitled "An Act to make further provision respecting Permanent Building Societies," and with the sixty-seventh and sixty-eighth sections of the said Revised Statute respecting Building Societies, and to have been properly made, filled up and attested according to the provisions of the said Acts, and of the said Acts as heretofore amended, whether such attestation was sworn before a justice of the peace, or before a commissioner authorized to take affidavits in the superior courts; and every society, incorporated as aforesaid, the officers of which shall have transmitted such statement, shall be and is hereby indemnified, exonerated, freed and discharged of and from all pecuniary penalties and forfeitures whatsoever (if any) which may have been incurred by it by reason of its having neglected to transmit any other, or further, or differently attested statement, or to perform the obligations imposed on it by the said Acts, or

either of them, in that behalf, except so far as such society may have incurred penalties by neglecting to transmit such statement within the time specified by the said Acts.

Actions brought subsequent to receipt of statement by Treasurer not to be maintained.

2. No action brought against any society incorporated as aforesaid for any past or future failure to comply with the provisions of the said Acts, or either of them, shall be maintained if such action was or is commenced subsequent to the receipt by the Treasurer of Ontario of the statement and attestation required by the said Acts, or of the statement and attestation declared valid by this Act, unless such action is brought by the Crown, or by the Attorney-General of Ontario suing on behalf of the Crown, or unless such action was commenced prior to the nineteenth day of February, 1880.

Proviso.

Statement not required in case society has ceased to do business.

3. Neither the provisions of the said eighteenth and nineteenth sections of the said Act entitled "An Act to make further provision respecting Building Societies," nor the provisions of the sixty-seventh and sixty-eighth sections of the said Revised Statute, either as originally passed or as heretofore amended, or as amended by this Act, shall be held to apply, or to have applied, to any society which has ceased, or shall have ceased, to carry on business prior to the year for which the return is or was required, nor to any society which, though incorporated, never carried on business; and upon its being proved that any society incorporated as aforesaid did not loan any money, or receive any deposit, or issue any debenture, during the year for which it is alleged a return in accordance with such sections has not been made, such society shall be deemed to have ceased to carry on business within the meaning of this section.

R.S.O., cap. 164, s.s. 67-69 repealed.

4. The sixty-seventh section of the said Revised Statute, as amended by the Act passed in the forty-first year of Her Majesty's reign, chaptered seven, and the sixty-eighth and sixty-ninth sections of the said Revised Statute are hereby repealed and the following substituted therefor:—

Annual statement of assets and liabilities.

"67. Such society shall, on or before the first day of March "in each year, transmit to the Provincial Treasurer a full and "clear statement of the society's assets and liabilities on some day "to be stated therein, and such day shall not be more than twelve "months prior to the said first day of March, or earlier than the "end of the last preceding financial year, and such statement "shall contain, in addition to such other particulars as the Pro-"vincial Treasurer may require, the following:

"*(a)* The amount of stock subscribed;

"*(b)* The amount paid in upon such stock;

"*(c)* The amount borrowed for the purposes of investment "and the securities given therefor;

"*(d)* The amount invested and secured by mortgage deeds;

"*(e)* Amount of mortgages payable by instalments;

"*(f)* The number and aggregate amount of mortgages upon "which compulsory proceedings have been taken during the "past year;

"*(g)* The present cash value of the society's investments on "mortgages and other securities, and the rate or rates per cent. "at which the future repayments are discounted in ascertaining "such present cash value; which rate or rates shall be at least "equal to the rate or rates which such mortgages or other se-

"curities respectively bear, or were originally calculated to "yield."

"68. Such statement shall be attested by the oath (taken be- "fore some justice of the peace, or commissioner for taking affi- "davits in the superior courts) of two persons, one being the "president, vice-president, manager or secretary, and the other "the manager, secretary or auditor of such society, each of whom "shall swear distinctly that he holds such office as aforesaid, "that the statement has been prepared by the proper officers of "the company, that the deponent believes that it has been pre- "pared with due care, and that he believes it to be true in every "particular; and such statement shall be published by the Pro- "vincial Treasurer in such manner as he thinks most conducive "to the public good; and for any neglect to transmit such state- "ment in due course of post, within five days after the day "upon which the same should be transmitted, such society shall "incur a penalty of fifty dollars per diem, but not exceeding "in the whole one thousand dollars." Statement to be attested by oath, and to be published.

"69. If such statement is not transmitted within one month "after the said first day of March, or if it appears by the state- "ment that such society is not in a condition to justify its con- "tinuance in business with the powers theretofore possessed by "such society, the Provincial Treasurer may, under the authori- "ty of, or by order of the Lieutenant-Governor in Council, by "a notice in the *Ontario Gazette*, declare the business of such "society to have ceased, so far as regards borrowing money, and "any other matters mentioned in the order in Council and notice "aforesaid." If statement not transmitted, or if it shews that the society is not in a proper condition, power to borrow may be stayed.

5. Any return heretofore made, or which may be hereafter made, by any society with reference to a financial year of such society ending prior to the passing of this Act, shall be deemed sufficient if such return is made either in accordance with the provisions of this Act or with the provisions of the said sections hereinbefore repealed. Certain returns may be made under this Act, or under repealed provisions.

6. If any officer of a society shall, when called upon to attest the statement required under this Act, find himself unable to make the required affidavit of attestation on account of his having doubts as to the correctness of the statement presented to him for attestation, and further time is needed in order to permit of an examination of the items making up such statement, then, upon application of such officer, or of any one on his behalf, or on behalf of the society, made at any time before the sixth day of March of the proper year, the Treasurer of Ontario may enlarge the time for transmitting such statement to a day not later than the first day of May of such year, and the day so fixed by the said Treasurer shall thereupon become the day within five days of which the said statement, attested as required by this Act, shall be transmitted by such society to the Treasurer of Ontario, under the like penalties, in case of omission to make the same within such time, as if such day had been inserted in the sixty-seventh and sixty-eighth sections of the said Revised Statute as amended by this Act, in lieu of the first day of March; Provided that the said enlargement of time shall not prevent proceedings being taken under the sixty-ninth section of the said Revised Statute, if the Lieutenant-Governor in Council shall so order. Extension of time for making return. Proviso.

Act may be pleaded in bar.

7. This Act may be pleaded as a bar and discharge to any action, suit or proceeding pending, or which may be brought against any society for any pecuniary penalty or forfeiture from which such society is relieved by the provisions hereof.

No. 130.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act for the Relief of Permanent Building Societies.

1st Reading, 19th February, 1880.

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY C. BLACKETT ROBINSON.

No. 130.] **BILL.** [1880

An Act for the relief of Permanent Building Societies.

Preamble

WHEREAS, acting under the authority of the Act passed in the thirty-ninth year of Her Majesty's reign, *intituled* "An Act to make further provisions respecting *Permanent* Building Societies," and of the Act, chapter one hundred and sixty-four of the Revised Statutes of Ontario, intituled "An Act respecting Building Societies," as amended by the Act passed in the forty-second year of Her Majesty's reign, intituled "An Act to amend the Building Societies' Act," the Treasurer of Ontario has from time to time furnished to building, *loan or savings* societies *or companies* in Ontario, on their application, printed forms purporting to be forms of statement in accordance with the *provisions* of the said *Acts in that behalf*, and having printed thereon a form of affidavit of attestation to be made by the officers of the societies attesting such statement; and whereas, on account of *some difference in* the language used in the said forms *as compared* with the language of the said Statutes, doubts have arisen as to whether returns and affidavits made upon the said forms are a compliance with the said *Acts*, and it is desirable to remove such doubts and to relieve societies whose officers have made their returns upon the said forms from being harassed by suits for penalties under the said Acts, and also to *further* amend the said Revised Statute *of Ontario:*

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Certain statements confirmed.

1. Every statement transmitted to the Treasurer of Ontario, *at any time previous to the passing of this Act*, by any Building, *Loan or Savings* Society *or Company* incorporated under chapter one hundred and sixty-four of the Revised Statutes of Ontario, *or under chapter fifty-three of the Consolidated Statutes of Upper Canada*, or under "The Ontario Joint Stock Companies' Letters Patent Act, 1874," or under chapter one hundred and fifty of the Revised Statutes, or otherwise incorporated, which statement purports to have been filled up and attested according to the said printed forms, *or otherwise in substantial compliance with the provisions hereinafter mentioned*, shall be deemed and taken to be, and to have been, a *sufficient* statement, *and in compliance* in all respects with the provisions of the eighteenth and nineteenth sections of the said Act, intituled "An Act to make further provision respecting Permanent Building Societies," and with the sixty-seventh and sixty-eighth sections of the said Revised Statute respecting Building Societies, and to have been properly made, filled up and attested according to the provisions of the said

Acts, and of the said Act amending *the same*, whether such attestation was sworn before a justice of the peace, or before a commissioner authorized to take affidavits in the superior courts, *or whether or not the said statement was transmitted in due time to the said Treasurer;* and every society, *or company* incorporated as aforesaid, the officers of which shall have transmitted such statement, shall be and is hereby indemnified, exonerated, freed and discharged of and from all pecuniary penalties and forfeitures whatsoever (if any) which may have been incurred by *such company or society* by reason of its having neglected to transmit any other, or further, or differently attested statement, or to perform the obligations imposed on it by the said Acts, or either of them, in that behalf.

Pleading and evidence.

☞(2) In case any action, suit, or proceedings shall, after the passing of this Act, be brought, carried, or prosecuted against any society or company for or on account of any pecuniary penalty or forfeiture whatever incurred or to be incurred by any such neglect, as is intended to be relieved against by this Act, such society or company may plead the general issue, and upon their defence give this Act and the special matter in evidence upon any trial to be had thereupon;

Staying proceedings.

and in any action or suit commenced before the passing of this Act or now pending, against any society or company for or on account of *any* such neglect, the court or judge thereof shall order all proceedings in such action or suit to be stayed on payment of the costs thereof to the plaintiff therein.☜

Actions brought subsequent to receipt of statement by Treasurer not to be maintained.

2. No action brought against any society *or company* incorporated as aforesaid for any past or future failure to comply with the provisions of the said Acts, or either of them, shall be maintained if such action was or is commenced *at any time* subsequent to the receipt by the Treasurer of Ontario of the statement and attestation required by the said Acts, or of the statement and attestation declared valid by this Act, unless such action is brought by the Crown, or by the Attorney-General of Ontario suing on behalf of the Crown.

Proviso.

Statement not required in case society has ceased to do business.

3. Neither the provisions of the said eighteenth and nineteenth sections of the said Act intituled "An Act to make further provision respecting Building Societies," nor the provisions of the sixty-seventh and sixty-eighth sections of the said Revised Statute, either as originally passed or as heretofore amended, or as amended by this Act, shall be held to apply, or to have applied, to any society *or company* which has ceased, or shall have ceased, to carry on business prior to the year for which the return is or was required, nor to any society *or company* which, though incorporated, never carried on business; and upon its being proved that any society *or company* incorporated as aforesaid did not loan any money, or receive any deposit, or issue any debenture, during the year for which it is alleged a return in accordance with such sections has not been made, such society *or company* shall be deemed to have ceased to carry on business within the meaning of this section.

R.S.O., cap. 164, s.s. 67-69 repealed.

4. The sixty-seventh section of the said Revised Statute, as amended by the Act passed in the forty-first year of Her Majesty's reign, chaptered seven, and the sixty-eighth and sixty-ninth sections of the said Revised Statute are hereby repealed and the following substituted therefor:—

"67. Such society shall, on or before the first day of March "in each year, transmit to the Provincial Treasurer a full and "clear statement of the society's assets and liabilities on some day "to be stated therein, and such day shall not be more than twelve "months prior to the said first day of March, or earlier than the "end of the last preceding financial year, and such statement "shall contain, in addition to such other particulars as the Pro- "vincial Treasurer may require, the following: Annual statement of assets and liabilities.

"*(a)* The amount of stock subscribed;

"*(b)* The amount paid in upon such stock;

"*(c)* The amount borrowed for the purposes of investment "and the securities given therefor;

"*(d)* The amount invested and secured by mortgage deeds;

"*(e)* Amount of mortgages payable by instalments;

"*(f)* The number and aggregate amount of mortgages upon "which compulsory proceedings have been taken during the "past year;

"*(g)* The present cash value of the society's investments on "mortgages and other securities, and the rate or rates per cent. "at which the future repayments are discounted in ascertaining "such present cash value; which rate or rates shall be at least "equal to the rate or rates which such mortgages or other se- "curities respectively bear, or were originally calculated to "yield."

"68. Such statement shall be attested by the oath (taken be- "fore some justice of the peace, or commissioner for taking affi- "davits in the superior courts) of two persons, one being the "president, vice-president, manager or secretary, and the other "the manager, secretary or auditor of such society, each of whom "shall swear distinctly that he holds such office as aforesaid, "that the statement has been prepared by the proper officers of "the company, that the deponent believes that it has been pre- "pared with due care, and that he believes it to be true in every "particular; and such statement shall be published by the Pro- "vincial Treasurer in such manner as he thinks most conducive "to the public good; and for any neglect to transmit such state- "ment in due course of post, within five days after the day "upon which the same should be transmitted, such society shall "incur a penalty of fifty dollars per diem, but not exceeding "in the whole one thousand dollars." Statement to be attested by oath, and to be published.

"69. If such statement is not transmitted within one month "after the said first day of March, or if it appears by the state- "ment that such society is not in a condition to justify its con- "tinuance in business with the powers theretofore possessed by "such society, the Provincial Treasurer may, under the authori- "ty of, or by order of the Lieutenant-Governor in Council, by "a notice in the *Ontario Gazette*, declare the business of such "society to have ceased, so far as regards borrowing money, and "any other matters mentioned in the order in Council and notice "aforesaid." If statement not transmitted, or if it shews that the society is not in a proper condition, power to borrow may be stayed.

5. Any *statement* heretofore made, or which may be here- after made, by any society *or company* with reference to a fin- ancial year of such society *or company* ending prior to the pass- ing of this Act, shall be deemed sufficient if such return is made either in accordance with the provisions of this Act or with the provisions of the said sections hereinbefore repealed. Certain returns may be made under this Act, or under repealed provisions.

Extension of time for making return.

6. If any officer of a society *or company* shall, when called upon to attest the statement required under this Act, find himself unable to make the required affidavit of attestation on account of his having doubts as to the correctness of the statement presented to him for attestation, and further time is needed in order to permit of an examination of the items making up such statement, then, upon application of such officer, or of any one on his behalf, or on behalf of the society *or company*, made at any time before the sixth day of March of the proper year, the Treasurer of Ontario may enlarge the time for transmitting such statement to a day not later than the first day of May of such year, and the day so fixed by the said Treasurer shall thereupon become the day within five days of which the said statement, attested as required by this Act, shall be transmitted by such society *or company* to the Treasurer of Ontario, under the like penalties, in case of omission to make the same within such time, as if such day had been inserted in the sixty-seventh and sixty-eighth sections of the said Revised Statute as amended by this Act, in lieu of the first day of March; Provided that the said enlargement of time shall not prevent proceedings being taken under the sixty-ninth section of the said Revised Statute, if the Lieutenant-Governor in Council shall so order.

Proviso.

☞(2.) It shall be sufficient if the statement required to be furnished on or before the first day of March, one thousand eight hundred and eighty, is transmitted to the treasurer of Ontario, on or before the first day of April next following, with power to the said treasurer under the like circumstances to enlarge such time to a day not later than the first day of May of such year.☜

No. 130.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act for the Relief of Permanent Building Societies.

Reprinted as Amended.

1st Reading, 19th February, 1880.
2nd " 24th " 1880.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET

No. 130.] BILL. [1880

An Act for the relief of Permanent Building Societies.

Preamble

WHEREAS, acting under the authority of the Act passed in the thirty-ninth year of Her Majesty's reign, *intituled* "An Act to make further provisions respecting *Permanent* Building Societies," and of the Act, chapter one hundred and sixty-four of the Revised Statutes of Ontario, intituled "An Act respecting Building Societies," as amended by the Act passed in the forty-second year of Her Majesty's reign, intituled "An Act to amend the Building Societies' Act," the Treasurer of Ontario has from time to time furnished to building, *loan or savings* societies *or companies* in Ontario, on their application, printed forms purporting to be forms of statement in accordance with the *provisions* of the said *Acts in that behalf*, and having printed thereon a form of affidavit of attestation to be made by the officers of the societies attesting such statement; and whereas, on account of *some difference in* the language used in the said forms *as compared* with the language of the said Statutes, doubts have arisen as to whether returns and affidavits made upon the said forms are a compliance with the said *Acts*, and it is desirable to remove such doubts and to relieve societies whose officers have made their returns upon the said forms from being harassed by suits for penalties under the said Acts, and also to *further* amend the said Revised Statute *of Ontario*:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Certain statements confirmed.

1. Every statement transmitted to the Treasurer of Ontario, *previous to the passing of this Act*, by any Building, *Loan or Savings* Society *or Company* incorporated under chapter one hundred and sixty-four of the Revised Statutes of Ontario, *or under chapter fifty-three of the Consolidated Statutes of Upper Canada*, or under "The Ontario Joint Stock Companies' Letters Patent Act, 1874," or under chapter one hundred and fifty of the Revised Statutes, or otherwise incorporated, which statement purports to have been filled up and attested according to the said printed forms, shall be deemed and taken to be, and to have been, a *sufficient* statement, *and in compliance* in all respects with the provisions of the eighteenth and nineteenth sections of the said Act, intituled "An Act to make further provision respecting Permanent Building Societies," and with the sixty-seventh and sixty-eighth sections of the said Revised Statute respecting Building Societies, and to have been properly made, filled up and attested according to the provisions of the said Acts, and of the said Act amending *the same*, whether such attestation was sworn before a justice

of the peace, or before a commissioner authorized to take affidavits in the superior courts; and every society, *or company* incorporated as aforesaid, the officers of which shall have transmitted such statement, shall be and is hereby indemnified, exonerated, freed and discharged of and from all pecuniary penalties and forfeitures whatsoever (if any) which may have been incurred by *such company or society* by reason of its having neglected to transmit any other, or further, or differently attested statement, or to perform the obligations imposed on it by the said Acts, or either of them, in that behalf.

(2) In case any action, suit, or proceedings shall, after the passing of this Act, be brought, carried, or prosecuted against any society or company for or on account of any pecuniary penalty or forfeiture whatever incurred or to be incurred by any such neglect, as is intended to be relieved against by this Act, such society or company may plead the general issue, and upon their defence give this Act and the special matter in evidence upon any trial to be had thereupon; and in any action or suit commenced before the passing of this Act or now pending, against any society or company for or on account of such neglect, the court or judge thereof shall order all proceedings in such action or suit to be stayed on payment of the costs thereof to the plaintiff therein.

Actions brought subsequent to receipt of statement by Treasurer not to be maintained.

2. No action brought against any society incorporated as aforesaid for any past or future failure to comply with the provisions of the said Acts, or either of them, shall be maintained if such action was or is commenced *at any time* subsequent to the receipt by the Treasurer of Ontario of the statement and attestation required by the said Acts, or of the statement and attestation declared valid by this Act, unless such action is brought by the Crown, or by the Attorney-General of Ontario suing on behalf of the Crown.

Proviso.

Statement not required in case society has ceased to do business.

3. Neither the provisions of the said eighteenth and nineteenth sections of the said Act entitled "An Act to make further provision respecting Building Societies," nor the provisions of the sixty-seventh and sixty-eighth sections of the said Revised Statute, either as originally passed or as heretofore amended, or as amended by this Act, shall be held to apply, or to have applied, to any society which has ceased, or shall have ceased, to carry on business prior to the year for which the return is or was required, nor to any society which, though incorporated, never carried on business; and upon its being proved that any society incorporated as aforesaid did not loan any money, or receive any deposit, or issue any debenture, during the year for which it is alleged a return in accordance with such sections has not been made, such society shall be deemed to have ceased to carry on business within the meaning of this section.

R.S.O., cap. 164, s.s. 67-69 repealed.

4. The sixty-seventh section of the said Revised Statute, as amended by the Act passed in the forty-first year of Her Majesty's reign, chaptered seven, and the sixty-eighth and sixty-ninth sections of the said Revised Statute are hereby repealed and the following substituted therefor:—

Annual statement of assets and liabilities.

"67. Such society shall, on or before the first day of March "in each year, transmit to the Provincial Treasurer a full and "clear statement of the society's assets and liabilities on some day

"to be stated therein, and such day shall not be more than twelve "months prior to the said first day of March, or earlier than the "end of the last preceding financial year, and such statement "shall contain, in addition to such other particulars as the Pro- "vincial Treasurer may require, the following:

"*(a)* The amount of stock subscribed;

"*(b)* The amount paid in upon such stock;

"*(c)* The amount borrowed for the purposes of investment "and the securities given therefor;

"*(d)* The amount invested and secured by mortgage deeds;

"*(e)* Amount of mortgages payable by instalments;

"*(f)* The number and aggregate amount of mortgages upon "which compulsory proceedings have been taken during the "past year;

"*(g)* The present cash value of the society's investments on "mortgages and other securities, and the rate or rates per cent. "at which the future repayments are discounted in ascertaining "such present cash value; which rate or rates shall be at least "equal to the rate or rates which such mortgages or other se- "curities respectively bear, or were originally calculated to "yield."

Statement to be attested by oath, and to be published.

"68. Such statement shall be attested by the oath (taken be- "fore some justice of the peace, or commissioner for taking affi- "davits in the superior courts) of two persons, one being the "president, vice-president, manager or secretary, and the other "the manager, secretary or auditor of such society, each of whom "shall swear distinctly that he holds such office as aforesaid, "that the statement has been prepared by the proper officers of "the company, that the deponent believes that it has been pre- "pared with due care, and that he believes it to be true in every "particular; and such statement shall be published by the Pro- "vincial Treasurer in such manner as he thinks most conducive "to the public good: and for any neglect to transmit such state- "ment in due course of post, within five days after the day "upon which the same should be transmitted, such society shall "incur a penalty of fifty dollars per diem, but not exceeding "in the whole one thousand dollars."

If statement not transmitted, or if it shews that the society is not in a proper condition, power to borrow may be stayed.

"69. If such statement is not transmitted within one month "after the said first day of March, or if it appears by the state- "ment that such society is not in a condition to justify its con- "tinuance in business with the powers theretofore possessed by "such society, the Provincial Treasurer may, under the authori- "ty of, or by order of the Lieutenant-Governor in Council, by "a notice in the *Ontario Gazette*, declare the business of such "society to have ceased, so far as regards borrowing money, and "any other matters mentioned in the order in Council and notice "aforesaid."

Certain returns may be made under this Act, or under repealed provisions.

5. Any return heretofore made, or which may be hereafter made, by any society with reference to a financial year of such society ending prior to the passing of this Act, shall be deemed sufficient if such return is made either in accordance with the provisions of this Act or with the provisions of the said sections hereinbefore repealed.

Extension of time for making return.

6. If any officer of a society shall, when called upon to attest the statement required under this Act, find himself unable to make the required affidavit of attestation on account of his having doubts as to the correctness of the statement

presented to him for attestation, and further time is needed in order to permit of an examination of the items making up such statement, then, upon application of such officer, or of any one on his behalf, or on behalf of the society, made at any time before the sixth day of March of the proper year, the Treasurer of Ontario may enlarge the time for transmitting such statement to a day not later than the first day of May of such year, and the day so fixed by the said Treasurer shall thereupon become the day within five days of which the said statement, attested as required by this Act, shall be transmitted by such society to the Treasurer of Ontario, under the like penalties, in case of omission to make the same within such time, as if such day had been inserted in the sixty-seventh and sixty-eighth sections of the said Revised Statute as amended by this Act, in lieu of the first day of March; Provided that the said enlargement of time shall not prevent proceedings being taken under the sixty-ninth section of the said Revised Statute, if the Lieutenant-Governor in Council shall so order.

Proviso.

☞(2.) It shall be sufficient if the statement required to be furnished on or before the first day of March, one thousand eight hundred and eighty, is transmitted to the treasurer of Ontario, on or before the first day of April next following, with power to the said treasurer under the like circumstances to enlarge such time to a day not later than the first day of May of such year. ☜

No. 130.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act for the Relief of Permanent Building Societies.

(reprinted as proposed to be Amended in Committee of the Whole.)

1st Reading, 19th February, 1880.

The Attorney-General.

TORONTO:

PRINTED BY C. B. ROBINSON, JORDAN STREET

No. 131.] BILL. [1880.

An Act to amend the Railway Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section twenty-two of the Railway Act of Ontario is hereby amended by inserting after the word "road" in the fourth line of the said section the words "and farm crossings shall be made and maintained." R. S. O., c. 165, s. 22, amended.

No. 131.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the Railway Act.

1st Reading, 20th February, 1880.

Mr. PATTERSON.

TORONTO:
PRINTED BY C. B. ROBINSON, JORDAN STREET.

No. 132.] BILL. [1880.

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Mode of citation.

1. This Act may be cited as "The Municipal Amendment Act of 1880."

R. S. O., c. 174, s. 66, amended.

2. Section "sixty-six" of the Municipal Act is amended by adding thereto the following words:—

Provided always that the council of every town, where there are less than five wards, may, upon a petition of not less than one hundred municipal electors, pass a by-law reducing the number of councillors for each ward to two; but such by-law, before the final passing thereof, shall receive the assent of the electors of the municipality in the manner provided for in the two hundred and eighty-sixth and following sections of this Act.

Reduction of number of councillors.

(*a*). Any time after two annual municipal elections shall have been held, under a by-law passed as provided for under this section, the council of the municipality shall, upon the presentation to the council of a petition of not less than one hundred resident municipal electors, asking the council to submit a by-law to a vote of the electors for the repeal of the by-law so passed in accordance with section two hundred and eighty-six of the Municipal Act, without unnecessary delay, submit such repealing by-law to a vote of the electors of the municipality; the proceedings, in regard to the submission of such by-laws, under the preceding sections, both as to enacting and repeal, shall be as provided in the Municipal Act in regard to by-laws requiring the assent of the electors.

Sec. 70 amended.

3. Section seventy of the said Act is amended by adding after the words "to at least the value following" in the twelfth line thereof, the words, "over and above all charges, liens and encumbrances affecting the same." (*See* section two hundred and sixty-five of the Municipal Act.)

Sec. 141 amended.

4. A voter may mark his ballot paper by placing a cross either (as heretofore) on the right hand side opposite the name of the candidate for whom he desires to vote, or at any other place within the division which contains the name of the candidate; and section one hundred and forty-one of the Municipal Act in the Revised Statutes of Ontario is hereby amended in accordance with this section. (*See* 42 Vic., cap. 4. sec. 13.)

Sec. 214 amended.

5. Section two hundred and fourteen of the said Act is amended by striking out all the words after the word "inclusive" in the fifth line, and adding the following: "And it

shall be the duty of the deputy returning officer to post the same in conspicuous places at the polling place of the polling subdivision for which he is deputy returning officer."

Auditors' abstract statement to be sent yearly to Provincial Secretary from every municipality.

6. The clerk of every county, city, town, incorporated village and township shall, on or before the first day of June in each year, under a penalty of twenty dollars in case of default, transmit to the Provincial Secretary a certified copy of the auditors' abstract statement of the receipts and expenditures of the preceding year, and also a certified copy of the assets and liabilities of his municipality as prepared by the said auditors.

Statements to be laid before Legislative Assembly.

7. The Provincial Secretary shall, as soon as may be after the commencement of every session, lay before the Legislative Assembly a copy of all certified statements received by him under the provisions of section six of this Act.

Sec. 272 amended.

8. Section two hundred and seventy-two of the said Municipal Act is amended by adding after the word "qualification" in the sixth line thereof, the words, "where a property qualification is required."

Sec. 286, sub-s. 2, repealed.

9. Sub-section two of section two hundred and eighty-six of the said Act is hereby repealed, and the following substituted therefor:

Publication of by-laws.

(2.) The council shall, before the final passing of the proposed by-law, publish a copy thereof in some public newspaper published either within the municipality or in the county town, or in a public newspaper published in an adjoining local municipality, as the council may by resolution designate, and the publication shall, for the purpose aforesaid, be continued in at least one number of such paper each week for three successive weeks, and shall also put up a copy of the by-law at four or more of the most public places in the municipality.

Sec. 411 amended.

10. The following shall be added to section four hundred and eleven of the said Act as sub-sections three and four:

Fees of police magistrate.

(3) Every police magistrate shall be entitled to receive the same fees and emoluments as are paid to justices of the peace; and in case a police magistrate is paid by a fixed salary, the said fees and emoluments shall be paid to the municipality and form part of its funds. But this section shall not authorize the imposition of such fees by a police magistrate who is paid by fixed salary upon any inspector of licenses or upon any Provincial officer appointed under the Liquor License Act in or in respect of any case or complaint prosecuted by him or them under the said License Act or under the Canada Temperance Act of 1878, or upon any person or persons who, by the written authority of the Attorney-General of this Province, prosecutes any complaint under either of the said Acts.

Reduction of salary of police magistrate.

(4) No municipal council shall have power to reduce the salary of any police magistrate without the sanction of the Lieutenant-Governor in Council.

Sec. 445 amended

11. Section four hundred and forty-five of the said Act is hereby amended by striking out the words, "and for all officers connected with such courts" in the ninth and tenth

lines, and substituting therefor the words, "and shall provide proper offices, together with fuel, light and furniture, for all officers connected with such courts other than official assignees."

12. Sub-section two of section seventeen of the Act passed in the forty-second year of the reign of Her present Majesty, chaptered thirty-one, is hereby amended by striking out the words, "for all officers connected with such courts" in the tenth and eleventh lines of the said sub-section, and substituting therefor the words, "and shall provide proper offices, together with fuel, light and furniture, for all officers connected with such courts other than official assignees." 42 V., c. 31, s. 17, sub-s. 2, amended.

13. The council shall not be liable to pay for any furniture which they are required to provide under the provisions of sections four hundred and forty-two and four hundred and forty-five of the Municipal Act, unless the same has been ordered by the council or by some person duly authorized by them so to do. Furniture for use of county officials.

14. Sub-section three of section four hundred and sixty-five of the said Municipal Act is repealed, and the following substituted in lieu thereof: R. S. O., c. 174, s. 465, sub-s. 3, repealed.

(3) For licensing, regulating, and governing hawkers or petty chapmen, and other persons carrying on petty trades, or who go from place to place or to other men's houses, on foot, or with any animal bearing or drawing any goods, wares, or merchandise for sale in or with any boat, vessel, or other craft, or otherwise carrying goods, wares, or merchandise for sale, and for fixing the sum to be paid for a license for exercising such calling within the county, city or town, and the time the license shall be in force: and in case of counties for providing the clerk of each municipality within the county with licenses, in this and the previous sub-section mentioned, for sale to parties applying for the same under such regulations as may be prescribed in such by-laws: Provided always that no such license shall be required for hawking, peddling or selling from any vehicle or other conveyance any goods, wares or merchandise to any retail dealer, or for hawking or peddling any goods, wares or merchandise, the growth, produce or manufacture of this Province, not being liquors within the meaning of the law relating to taverns or tavern licenses, if the same are being hawked or peddled by the manufacturer or producer of such goods, wares or merchandise, or by his *bona fide* servants or employees having written authority in that behalf; and any such servant or employee shall produce and exhibit his written authority when required so to do by any municipal or peace officer; and provided also that nothing herein contained shall affect the powers of any council to pass by-laws under the provisions of section four hundred and sixty-six of the said Act or amendments thereto heretofore made or which are made by this Act." Hawkers, petty chapmen, &c.

15. Notwithstanding any provision to the contrary contained in any special Act, the nomination of water commissioners in cities where the commissioners are not elected for wards or divisions of the city, shall take place at the same time as the nomination of mayor, and all the provisions of the Municipal Act relating to the nomination of mayor shall extend and apply to such nomination. Nomination of water commissioners.

Sec. 466 amended.

16. Section four hundred and sixty-six of the said Act is hereby amended by adding thereto the following as subsection fifty-five:

Cab stands.

(55) For authorizing and for assigning stands for vehicles kept for hire on the public streets and places, and for authorizing the erection and maintenance of covered stands or booths on the streets, highways and public places for the protection and shelter of the drivers of such vehicles: Provided that no such booth or covered stand shall be placed upon any sidewalk without the previous consent of the owner or lessee of the property fronting, abutting or adjoining such stand or booth.

Sec. 475 repealed.

17. Section four hundred and seventy-five of the said Act is hereby repealed, and the following substituted therefor:

Remuneration to members of board of audit.

475. The council may pay the members of the said board of audit any sum not exceeding four dollars each per day for their attendance at such audit, and five cents for each mile necessarily travelled in respect thereof in going to and from such audit.

Sec. 477 amended.

18. Section four hundred and seventy-seven of the said Act is hereby amended by inserting after the word "county," wherever the same occurs in the said section, the words, "or city."

Approaches to bridges.

19. The approaches for one hundred feet to each end of all bridges belonging to or assumed by any municipality or municipalities, shall be kept up and maintained by such municipality or municipalities. The remaining portion or portions of such approaches shall be kept up and maintained by the local municipalities in which they are situate.

Erection of court houses and gaols.

20. In all cases in which any city is required to contribute to the cost of erecting or building the court house or gaol, not commenced before the passing of this Act, such council of such city shall not be bound to pay for any part of the expenditure hereafter incurred in respect thereof, unless the same has been concurred in by the council of such city or town, or in case of dispute has been determined on by arbitration, according to the provisions of the Municipal Act, and the council of the city shall have a voice in the selection of the site of the court house and gaol; and in case the council of the county and city shall fail to agree upon the selection of such site, the same shall be settled and determined by arbitration, according to the provisions of the said Act.

Acquiring land by municipalities for drainage.

21. The corporation of every city, town and incorporated village may pass by-laws for accepting or purchasing any land in any other municipality which may be required for preventing such city, town or incorporated village, or any part thereof, being flooded by the surface or other waters flowing from such other municipality into such city, town or incorporated villlage, and for providing an outlet for such waters through any other municipality, and for opening, making, preserving and improving drains, sewers and water-courses in the lands so acquired; Provided always that the consent of the municipality in which the lands to be taken are situate shall be obtained before the powers conferred by this section shall be exercised.

22. Sub-section three of section seven of the Revised Statute respecting ditching watercourses is hereby amended by adding thereto the following proviso: R. S. O. c. 199, s. 7, sub-s. 3, amended.

Provided always that in the case of the death or removal from the municipality of any such fenceviewers or his or their ceasing to be fenceviewers, another or other fenceviewer or fenceviewers may be notified in the place of him or them so dying, removing out of the municipality or ceasing to be fenceviewers, but there shall be the same right of objecting to the substituted fenceviewers as is given by sub-section four of section four of this Act, and in case of such objection being made the judge shall name the fenceviewers who are to arbitrate.

23. The eighth section of the said Act is hereby repealed and the following substituted therefor: Sec. 8 repealed.

(8) The award and any plan made as above provided for, shall be deposited in the office of the clerk of the municipality in which the lands are situate, within ten days after the making thereof, and the award and plan shall be official documents, and may be given in evidence in any legal proceedings by certified copies, as are other official documents, and notice of their being made shall also be given by the clerk of such municipality to all parties interested, within three days after their deposit. Award and plan deposited to be evidence. Notification of making award and plan.

No. 132.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the Municipal Act

1st Reading, 24th February, 1880.

Mr. Wood.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON

No. 132] **BILL.** [1880.

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "The Municipal Amendment Act 1880." Mode of citation.

2. Section "sixty-six" of the Municipal Act is amended by adding thereto the following words:— R. S. O., c. 174, s. 66, amended.

Provided always that the council of every town, where there are less than five wards, may, upon a petition of not less than one hundred municipal electors, pass a by-law reducing the number of councillors for each ward to two; but such by-law, before the final passing thereof, shall receive the assent of the electors of the municipality in the manner provided for in the two hundred and eighty-sixth and following sections of this Act.

(*a*). Any time after two annual municipal elections shall have been held, under a by-law passed as provided for under this section, the council of the municipality shall, upon the presentation to the council of a petition of not less than one hundred resident municipal electors, asking the council to submit a by-law to a vote of the electors for the repeal of the by-law so passed in accordance with section two hundred and eighty-six of the Municipal Act, without unnecessary delay, submit such repealing by-law to a vote of the electors of the municipality; the proceedings, in regard to the submission of such by-laws, both as to enacting and repeal, shall be as provided in the Municipal Act in regard to by-laws requiring the assent of the electors. Reduction of number of councillors.

3. Section seventy of the *Municipal* Act is amended by adding after the words "to at least the value following" in the twelfth line thereof, the words, "over and above all charges, liens and encumbrances affecting the same." (*See* section two hundred and sixty-five of the Municipal Act.) Sec. 70 amended.

4. A voter may mark his ballot paper by placing a cross either (as heretofore) on the right hand side opposite the name of the candidate for whom he desires to vote, or at any other place within the division which contains the name of the candidate; and section one hundred and forty-one of the Municipal Act is hereby amended in accordance with this section. (*See* 42 Vic., cap. 4. sec. 13.) Sec. 141 amended.

5. Section two hundred and fourteen of the *Municipal* Act is amended by striking out all the words after the word "inclusive" in the fifth line, and adding the following: "And it Sec. 214 amended.

shall be the duty of the deputy returning officer to post the same in conspicuous places at the polling place of the polling subdivision for which he is deputy returning officer."

Auditors' abstract statement to be sent yearly to Provincial Secretary from every municipality.

6. The clerk of every county, city, town, incorporated village and township shall, on or before the first day of June in each year, under a penalty of twenty dollars in case of default, transmit to the Provincial Secretary a certified copy of the auditors' abstract statement of the receipts and expenditures of the preceding year, and also a certified copy of the assets and liabilities of his municipality as prepared by the said auditors.

Sec. 272 amended.

7. Section two hundred and seventy-two of the Municipal Act is amended by adding after the word "qualification" in the sixth line thereof, the words, " where a property qualification is required."

Sec. 286, subs. 2, repealed.

8. Sub-section two of section two hundred and eighty-six of the *Municipal* Act is hereby repealed, and the following substituted therefor:

Publication of by-laws.

(2.) The council shall, before the final passing of the proposed by-law, publish a copy thereof in some public newspaper published either within the municipality or in the county town, or in a public newspaper published in an adjoining local municipality, as the council may by resolution designate, and the publication shall, for the purpose aforesaid, be continued in at least one number of such paper each week for three successive weeks, and *the Council shall put up* a copy of the by-law at four or more of the most public places in the municipality.

Sec. 411 amended.

9. The following shall be added to section four hundred and eleven of the *Municipal* Act as sub-sections three, four and *five*:

Fees of police magistrate.

(3) Every police magistrate shall be entitled to receive the same fees and emoluments as are paid to justices of the peace; and in case a police magistrate is paid by a fixed salary, the said fees and emoluments, *whether received by him as police magistrate or as a justice of the peace,* shall be paid to the municipality and form part of its funds. But this section shall not authorize the imposition of such fees by a police magistrate who is paid by fixed salary upon any inspector of licenses or upon any Provincial officer appointed under the Liquor License Act in or in respect of any case or complaint prosecuted by him or them under the said License Act or under the Canada Temperance Act of 1878, or upon any person or persons who, by the written authority of the Attorney-General of this Province, prosecutes any complaint under either of the said Acts.

Reduction of salary of police magistrate.

(4) No municipal council shall have power to reduce the salary of any police magistrate without the sanction of the Lieutenant-Governor in Council.

(5) No police magistrate need act in any case arising out of the city, town, or place for which he is police magistrate, unless he sees fit so to do.

Sec. 445 amended.

10. Section four hundred and forty-five of the *Municipal* Act is hereby amended by striking out the words, "and for all officers connected with such courts" in the ninth and tenth

lines, and substituting therefor the words, "and shall provide proper offices, together with fuel, light and furniture, for all officers connected with such courts other than official assignees."

42 V., c. 31, s. 17, sub-s. 2, amended.

11. Sub-section two of section seventeen of the Act passed in the forty-second year of the reign of Her Majesty, chaptered thirty-one, is hereby amended by striking out the words, "for all officers connected with such courts" in the tenth and eleventh lines of the said sub-section, and substituting therefor the words, "and shall provide proper offices, together with fuel, light and furniture, for all officers connected with such courts other than official assignees."

Furniture for use of county officials.

12. The council shall not be liable to pay for any furniture which they are required to provide under the provisions of sections four hundred and forty-two and four hundred and forty-five of the Municipal Act, unless the same has been ordered by the council or by some person duly authorized by them so to do.

R. S. O., c. 174, s. 465, sub-s. 3, repealed.

13. Sub-section three of section four hundred and sixty-five of the Municipal Act is repealed, and the following substituted in lieu thereof:

Hawkers, petty chapmen, &c.

(3) For licensing, regulating, and governing hawkers or petty chapmen, and other persons carrying on petty trades, or who go from place to place or to other men's houses, on foot, or with any animal bearing or drawing any goods, wares, or merchandise for sale in or with any boat, vessel, or other craft, or otherwise carrying goods, wares, or merchandise for sale, and for fixing the sum to be paid for a license for exercising such calling within the county, city or town, and the time the license shall be in force: and in case of counties for providing the clerk of each municipality within the county with licenses, in this and the previous sub-section mentioned, for sale to parties applying for the same under such regulations as may be prescribed in such by-laws: Provided always that no such license shall be required for hawking, peddling or selling from any vehicle or other conveyance any goods, wares or merchandise to any retail dealer, or for hawking or peddling any goods, wares or merchandise, the growth, produce or manufacture of this Province, not being liquors within the meaning of the law relating to taverns or tavern licenses, if the same are being hawked or peddled by the manufacturer or producer of such goods, wares or merchandise, or by his *bona fide* servants or employees having written authority in that behalf; and any such servant or employee shall produce and exhibit his written authority when required so to do by any municipal or peace officer; and provided also that nothing herein contained shall affect the powers of any council to pass by-laws under the provisions of section four hundred and sixty-six of *this* Act or amendments thereto *hereafter* made.

Nomination of water commissioners.

14. Notwithstanding any provision to the contrary contained in any special Act, the nomination of water commissioners in cities where the commissioners are not elected for wards or divisions of the city, shall take place at the same time as the nomination of mayor, and all the provisions of the Municipal Act relating to the nomination of mayor shall extend and apply to such nomination.

Sec. 466 amended.

15. Section four hundred and sixty-six of the *Municipal* Act is hereby amended by adding thereto the following as sub-section fifty-five:

Cab stands.

(55) For authorizing and for assigning stands for vehicles kept for hire on the public streets and places, and for authorizing the erection and maintenance of covered stands or booths on the streets, highways and public places for the protection and shelter of the drivers of such vehicles: Provided that no such booth or covered stand shall be placed upon any sidewalk without the previous consent of the owner or lessee of the property fronting, abutting or adjoining such stand or booth.

Sec. 475 repealed.

16. Section four hundred and seventy-five of the *Municipal* Act is hereby repealed, and the following substituted therefor:

Remuneration to members of board of audit.

475. The council may pay the members of the said board of audit any sum not exceeding four dollars each per day for their attendance at such audit, and five cents for each mile necessarily travelled in respect thereof in going to and from such audit.

Sec. 477 amended.

17. Section four hundred and seventy-seven of the *Municipal* Act is hereby amended by inserting after the word "county," wherever the same occurs in the said section, the words, "or city."

Approaches to bridges.

18. The approaches for one hundred feet to *and not adjoining* each end of all bridges belonging to, assumed by, *or under the jurisdiction of* any municipality or municipalities, shall be kept up and maintained by such municipality or municipalities. The remaining portion or portions of such approaches shall be kept up and maintained by the local municipalities in which they are situate.

Erection of court houses and gaols.

19. In all cases in which any city is required to contribute to the cost of erecting or building the court house or gaol, not commenced before the passing of this Act, such council of such city shall not be bound to pay for any part of the expenditure hereafter incurred in respect thereof, unless the same has been concurred in by the council of such city or town, or in case of dispute has been determined on by arbitration, according to the provisions of the Municipal Act, and the council of the city shall have a voice in the selection of the site of the court house and gaol; and in case the council of the county and city shall fail to agree upon the selection of such site, the same shall be settled and determined by arbitration, according to the provisions of the said Act.

Eminent domain.

☞**20.** The council of any county may, when a court house is required to be erected within the limits of a city, pass by-laws for entering upon, taking, using and acquiring the ownership of such land as may be necessary or convenient for the purposes of such court house.☜

Acquiring land by municipalities for drainage.

21. The corporation of every city, town and incorporated village may pass by-laws for accepting or purchasing any land in any other municipality which may be required for preventing such city, town or incorporated village, or any part thereof, being flooded by the surface or other waters flowing from such other municipality into such city, town or incorporated villlage, and for providing an outlet for

such waters through any other municipality, and for opening, making, preserving and improving drains, sewers and water-courses in the lands so acquired; Provided always that the consent of the municipality in which the lands to be taken are situate shall be obtained before the powers conferred by this section shall be exercised.

Sec. 261 amended.

☞**22.** Section two hundred and sixty-one of the Municipal Act is hereby amended by adding the following sub-sections to the same:

(1) The said council in the event of a vacancy happening by death, resignation or otherwise may, by by-law, fill such vacancy, and the person so appointed shall hold office for the remainder of the year for which the original appointment was made.

(2) The said council may also, by by-law, provide that the said auditors shall audit all accounts before payment.

Publication of drainage by-laws.

23. Where any by-law which has been heretofore passed, or which may be hereafter passed, under the provisions of the second sub-section of section five hundred and thirty-two of the Municipal Act, has been or shall hereafter be published in the manner required by the five hundred and thirty-first section of the said Act, or in the case of a city, town or incorporated village, has been or shall be notified in the manner required by the twenty-first section of the Municipal Amendment Act of 1879, sub-section one of said section five hundred and thirty-two shall apply to such by-law, and any by-law, passed under the said second sub-section need not be published unless the council sees fit so to do; and the provisions of the Ontario Municipal Drainage Aid Act shall apply to any debentures issued under the authority of the said sub-section which have heretofore been, or shall hereafter be, purchased by direction of the Lieutenant-Governor in Council.

Licensing transient traders.

24. The power to license, regulate and govern transient traders and others, as mentioned in the Municipal Act, section four hundred and sixty-six, sub-section fifty-three, and in the Municipal Amendment Act, 1879, section twenty-two, shall be construed to apply, whether the goods and merchandise are offered by auction or otherwise.

Guaranteeing debentures.

25. The council of every county shall have power to pass by-laws for guaranteeing the debentures of any municipality within the county as the council may deem expedient.

Plans of surveys to be deposited with treasurer of municipality.

26. Every person who is required by the Registry Act to lodge with the registrar a plan or map of any survey or sub-division of land made by him, or of any alteration of such survey or sub-division, shall also within three months from the date of such survey lodge with the treasurer of the municipality in which such land is situate a duplicate or copy of such plan or map and in case of neglect or refusal so to do within two months after notice in writing given by such treasurer requiring him to lodge such plan as provided by this section, every such person shall incur a penalty of twenty dollars for each and every calendar month during which such default shall continue.

Penalty.

Appointment and dismissal of gaolers.

27. Every appointment or dismissal of a gaoler shall be subject to the approval of the Lieutenant-Governor. ☜

No. 132.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to amend the Municipal Act.

(Reprinted as Amended.)

1st Reading, 24th February, 1880.
2nd " 26th " 1880.

Mr. Wood.

TORONTO:
Printed by C. Blackett Robinson.

No. 133.] BILL. [1880.

An Act to provide for the erection of New Buildings for the accommodation of the Provincial Legislature and the Public Departments.

Preamble.

WHEREAS it is expedient that new buildings should be provided for the proper and needful accommodation of the Provincial Legislature and the Departments of the Public Service; and whereas the Provincial buildings now in use for the said purposes are wholly inadequate therefor, and the land on which they stand has come to be within the commercial and business portion of the city of Toronto, so that while it has become and is becoming every year less adapted to the purposes to which it is now being applied and its application to such purposes stands greatly in the way of improvements urgently required in the city for commercial and business objects, its value is now so great that it can no longer be so applied with a due regard to economy; and whereas the site hereinafter mentioned is the most eligible for the purposes aforesaid, and it is estimated that the said new buildings can be erected at a cost not to exceed five hundred thousand dollars; and whereas the value of the said land and that certain other parcel of land hereinafter mentioned (both situate within the said city,) is such that the proceeds to arise either from selling or leasing the same will nearly, if not entirely, suffice to recoup to the Province the estimated cost and expense of erecting said new buildings:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Appropriation for buildings.

1. A sum not exceeding five hundred thousand dollars is hereby appropriated and set apart from and out of the surplus moneys forming part of the Consolidated Revenue Fund of this Province, for the purpose of erecting new buildings with requisite appurtenances for the accommodation of the Legislature and the several Departments of the public service, on such portion of the ground in the said city forming part of the Queen's Park and lying to the north of the College Avenue, as may be found requisite and suitable for said new buildings, and such portion of the said ground as shall by the Lieutenant-Governor in Council be deemed requisite for the purposes aforesaid shall be set off and ascertained by the Commissioner of Public Works for Ontario, and the same shall thereupon become and be vested in the Crown, for the public uses of the Province, freed and discharged from any and all trusts or charges whatsoever.

Certain lands set apart for

2. The lands following, namely: That parcel of land on which the present Parliament buildings are situate, and which

formation of a fund.

is within said city and is bounded on the north by Wellington street, on the south by Front street, on the east by Simcoe street, and on the west by John street; and also so much of the land now belonging to this Province as is situate and lying within said city, and which may be generally described as bounded on the west by the westerly limit of said city, on the south by the line of the Great Western Railway, and on the north and east by King street and the line of the Toronto, Grey and Bruce Railway, containing about eighty acres, but not including therein those certain six acres, or thereabouts, forming the grounds to be used in connection with the Andrew Mercer Ontario Reformatory for Females, shall be and they are hereby set apart for the purpose of forming and creating from and out of the proceeds to be realized from the selling, demising or leasing thereof, a fund to recoup and reimburse the Province in respect of so much of said sum of five hundred thousand dollars as shall be expended in the erection of said new buildings.

How lands to be sold or leased.

3. The said lands shall, by public auction or upon tenders invited by public advertisement in that behalf, be sold, demised, or leased at such time or times, in such lots and parcels, and upon such terms, stipulations, provisos and conditions as the Lieutenant-Governor in Council shall deem best for the public interest, and the lands so sold, demised or leased, shall be granted, conveyed, demised or leased, as the case may be, to the respective purchasers or lessees, by letters patent, in which, nevertheless, any terms, conditions, stipulations, or provisos whatever, upon which the said lands shall have been so sold, demised or leased may be inserted, and such terms, conditions, stipulations and provisos shall be enforced by all courts of law or equity, whether they be or not such as are in other cases held to be consistent with a grant, demise or lease.

Moneys arising from said lands to be applied to fund.

4. All moneys and proceeds arising from or out of said lands, or any sale, demise or lease thereof as aforesaid shall be applied to form the fund aforesaid and such fund shall be called "The Parliament Buildings Construction Fund, 1880," and a separate account of the same shall be kept by the Treasurer of the Province, and such fund shall be applied in and towards the re-payment and reimbursement of so much of the said sum of five hundred thousand dollars, as shall be expended in the construction of said new buildings.

Account to be laid before Legislature.

5. An account of all moneys and sums paid out or received on account of or for any of the purposes aforesaid shall be laid before the Legislative Assembly within twenty days after the opening of the then next Session thereof.

Agreement in schedule confirmed.

6. The agreement in the schedule to this Act set forth, is hereby legalized and confirmed and declared to be valid and binding upon and against the corporation of the City of Toronto and the inhabitants of the said city.

SCHEDULE.

(*Section* 6.)

This Agreement made between the Corporation of the City of Toronto of the First Part,

Her Majesty the Queen of the Second Part,

The Honourable Christopher Finlay Fraser, Commissioner of Public Works of the Province of Ontario, of the Third Part, this eighteenth day of February, A.D. 1880.

Whereas the Bursar of the University and Colleges of Toronto heretofore leased at a nominal rent, to the said Corporation of the City of Toronto, to be used as a Public Park, that certain portion of the University property at the head of the College Avenue in the said City, known as the Queen's Park;

And whereas the Government of Ontario having had under consideration the question of providing further accommodation for the meetings of the Legislature, and for the use of the Departments of the Government, the Council of the said Corporation, with a view of facilitating a decision of the question, did pass a resolution intimating its consent to the occupation by the Government of so much of the Queen's Park as might be required for the aforesaid purpose;

And whereas it is desirable in a more formal and full manner to signify such consent, therefore it is by these presents witnessed that the said Corporation do hereby agree with the said Commissioner of Public Works to release, and do hereby release to Her Majesty all the interest of the said Corporation in that portion of the Queen's Park which may be selected by the Government of Ontario, as a site for the erection of new Legislative and Departmental buildings.

And the said Corporation do hereby agree to consent and do hereby consent to such measures or Acts being passed by the Legislature of Ontario as by the Attorney-General of Ontario may be deemed necessary or expedient to be passed in order to vest in Her Majesty, freed and discharged from any trust or charge whatever in favour of the said Corporation or of the citizens of Toronto, or any other person or body, that portion of the said Park which may be selected by the Government of Ontario as a site for the said proposed buildings.

And the said Corporation do hereby further agree to execute such instruments, and do all other Acts and things which may by counsel be advised as requisite for the more effectually releasing the interest of the City in the said lands, and of otherwise fully carrying out the objects of these presents.

In witness whereof the Corporate Seal of the said Corporation of the City of Toronto, and the signature of the Mayor have been hereto affixed.

JAMES BEATY, Junr.,
Mayor.

{ SEAL. }

SAML. B. HARMAN,
Treasurer,
And Keeper of City Seal.

No. 133.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to provide for the erection of New Buildings for the accommodation of the Provincial Legislature and the Public Departments.

First Reading, 24th February, 1880.

Second Reading, 24th February, 1880.

MR. FRASER.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 134.] BILL. [1880.

An Act to amend the Mechanics' Lien Act.

Preamble. WHEREAS it is expedient to amend the Mechanics' Lien Act:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

R. S. O., c. 120, s. 4, amended. Claims may be united. 1. The following proviso shall be added to the fourth section of the said Act, that is to say:

"Provided always that the statement of claim to be filed in conformity with this section, may include the claims of any number of mechanics, labourers, workmen, or other persons coming under the provisions of the third section of this Act, who may agree to and shall unite in the making of such statement of claim as they are hereby empowered to do, and such statement of claim may be verified in the manner specified by this section, by the affidavit of any one or more of the parties uniting in the making of such statement of claim, and such statement so made and verified shall have the same force and effect, on compliance with the other provisions of this Act, as if the same was made in conformity therewith by any one claimant thereunder."

No. 134.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL

An Act to amend the Mechanics' Lien Act.

1st Reading, 25th February, 1880.

Mr. MORRIS.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 136.] BILL. [1880.

An Act respecting the Administration of Justice in the Districts of Algoma, Thunder Bay and Nipissing.

WHEREAS by chapter nineteen of the Statutes passed in the forty-second year of Her Majesty's reign, the Legislature of Ontario made provision for the administration of justice in the northerly and westerly parts of Ontario; and whereas certain objections have been put forward to the said Act by the Government of Canada, and there is reason to apprehend that the disallowance of the said Act may be advised unless the Act is repealed within the time for its disallowance; and whereas the Legislature of Ontario claims that all the provisions of the said Act are within its authority, and are a due exercise of its legislative powers, and are necessary for the proper administration of justice in the said parts of Ontario, and the said Legislature does not deem it expedient to repeal the said Act; and whereas, while respectfully protesting against the disallowance thereof, the said Legislature is desirous of making such provision for the Administration of Justice within the remote territories of Ontario as may be free from the supposed objections to the said Act, the same to take effect in the event of the said Act being disallowed:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act shall not take effect unless the said Act respecting the Administration of Justice in the Northerly and Westerly parts of Ontario shall be disallowed, but in case the said Act is disallowed, this Act shall go into force immediately upon such disallowance.

Limits of District of Thunder Bay.

2. All the territory within Ontario lying west of the present easterly boundary of the territorial district of Thunder Bay, namely, the meridian of eighty-seven degrees of west longitude, shall be part of the territorial district of Thunder Bay; and for the same purposes as the said district is part of the provisional judicial District of Algoma, all the said territory is and shall continue to be part of such provisional judicial District.

(2) The Lieutenant-Governor in Council may, by proclamation, limit the territory which, for registry purposes, shall be deemed to be within the said District of Thunder Bay.

Limits of District of Algoma.

3. All the territory within Ontario lying south of the height of land separating the waters which flow into Hudson's Bay from those which flow into Lake Superior and the Georgian Bay, and between the said meridian of eighty-seven degrees

of west longitude and the present easterly boundary of the District of Algoma, namely, a line drawn due north from the most westerly mouth of French River, shall be and is part of the provisional judicial District of Algoma.

Limits of District of Nipissing.

4. All the territory within Ontario, lying east of the said line drawn due north from the most westerly mouth of French River and north of the southerly boundary of the temporary judicial District of Nipissing shall belong to and be part of the said District of Nipissing.

Stipendiary Magistrates may be appointed.

5. The appointments heretofore made of two Stipendiary Magistrates for each of the said Districts of Thunder Bay and Nipissing are hereby continued during the pleasure of the Lieutenant-Governor, and the Lieutenant-Governor may from time to time, so often as vacancies occur, appoint for each of the said districts of Thunder Bay and Nipissing, as so constituted, two stipendiary magistrates, who shall hold office during pleasure; and the stipendiary magistrates for Thunder Bay shall exercise within such district the magisterial, judicial and other functions provided for in the Revised Statute respecting the territorial Districts of Muskoka, Parry Sound and Thunder Bay; and the stipendiary magistrate for the District of Nipissing shall exercise within such district the magisterial, judicial and other functions provided for in the Revised Statute respecting the administration of justice in unorganized tracts.

38 Vic. c. 49, ss. 61 and 62 (D).

"Stipendiary Magistrate" defined.

6. The expression "Stipendiary Magistrate," wherever it occurs in either of the said statutes, shall be taken to apply to any stipendiary magistrate appointed for the district under the provisions of the said Acts or of this Act; and the Lieutenant-Governor in Council may, from time to time, make such regulations as he considers expedient, in order to secure the due and convenient holding of Division Courts within the said districts.

R. S. O. c. 90, s. 9.

Jurisdiction of District Court of Algoma.

7. Subject to the exceptions in the next section contained, the District Court of the District of Algoma shall, in addition to its present jurisdiction, have jurisdiction and hold plea;

(1) In all personal actions where the amount claimed does not exceed four hundred dollars;

(2) In all actions and suits relating to debt, covenant and contract, where the amount or balance claimed does not exceed eight hundred dollars;

Provided always as to the additional jurisdiction so hereby conferred that the contract was made within Algoma, or the cause of action arose therein, or the defendant resides therein;

(3) For the recovery of the possession of real estate in the said district;

(4) In replevin, where the value of the goods or other property or effects distrained, taken or detained does not exceed the sum of four hundred dollars, and the goods, property or effects to be replevied are in the said district.

38 Vic. c. 49, s. 71, sub-s. 1, and 40 Vic. s. 8 (D); R. S. O. c. 90, s. 39.

Exceptions to jurisdiction.

8. But the said District Court shall not have jurisdiction in any of the following cases:—

(1) Actions for a gambling debt; or upon a note of hand or other document given wholly or partly in consideration of a gambling debt;

38 Vic. c. 49, s. 71, sub-s. 2, and 40 Vic. s. 8 (D); R. S. O. c. 90, s. 14.

(2) Actions for malicious prosecution, libel, slander, criminal conversation, seduction, or breach of promise of marriage, if the damages sought to be recovered exceed two hundred dollars;

(3) Actions against a justice of the peace for anything done by him in the execution of his office, if the damages claimed exceed one hundred dollars.

Lieutenant-Governor may appoint a Deputy Clerk for Thunder Bay.

9. The Lieutenant-Governor may from time to time appoint, under the Great Seal, an officer for the District Court of the Provisional Judicial District of Algoma, to be called the Deputy Clerk for Thunder Bay, who shall keep his office in such place within the District of Thunder Bay as the Lieutenant-Governor shall direct; and the appointment of a Deputy-Clerk for Thunder Bay heretofore made is continued during the pleasure of the Lieutenant-Governor;

Clerk of First Division Court of Thunder Bay to act as Deputy Clerk when office vacant.

(2) In case after an appointment has been made a vacancy occurs in such office, the Clerk of the First Division Court of Thunder Bay shall, *ex officio*, be such Deputy Clerk until another appointment is made;

Duties of Deputy Clerk.

(3) Such Deputy Clerk shall issue writs for the commencement, in the District of Thunder Bay, of actions in the said District Court; and, in respect of actions commenced by the issue of such writs out of his office and of proceedings therein, such Deputy Clerk shall perform the like duties and shall have the like powers and rights as are performed or possessed by the Clerk of the said District Court at Sault Ste. Marie in respect of actions commenced by writs sued out of his office and of proceedings therein, and the said Deputy Clerk shall also sssue such other writs and process as may be required in such actions as may in like cases be issued by the said Clerk of the District Court, and may renew any such writs as by law may be renewed;

Writ of capias not to be executed out of District.

(4) No writ of *capias* issued under the next preceding section, shall be exccuted outside of the District of Thunder Bay; and every writ of *capias* so issued shall be marked by the Clerk, as follows: "Only to be executed within the District of Thunder Bay;" but this shall not prevent a copy of such writ of *capias* being served at any place within Ontario;

Seal of Court.

(5) The Deputy Clerk of the said District Court shall have the custody of a seal in design similar to the seal of the Court in the custody of the Clerk at Sault Ste. Marie, and the said Deputy Clerk shall seal with the said seal all writs, process and proceedings requiring the seal of the said Court; and every writ, process or proceeding sealed with such seal shall be held to be duly sealed with the seal of the said Court.

Issue of writ and venue in actions of ejectment.

10. In ejectment for lands situated in Thunder Bay, or in any other action in the said District Court where the venue is local, and the cause of action arose in the District of Thunder Bay, the writ shall be issued out of the office of the said Deputy Clerk, and the venue shall be laid in the Territorial District of Thunder Bay, but the Judge may if he sees fit, change the venue in any action.

Time allowed for appearance;

11. The time allowed for appearance to a writ of summons issued as aforesaid for service within Ontario, or to a writ of *capius* or replevin issued as aforesaid, shall be twenty days after the service of the writ inclusive of the day of such service.

for putting in special bail;

(2) The time allowed in any writ of *capias* issued as aforesaid, for putting in special bail, shall be thirty days, inclusive of the day of execution, unless a different time is fixed by the order for the writ;

in ejectment.

(3) The time allowed for appearance to any writ of ejectment issued as aforesaid, shall be thirty days, inclusive of the day of service.

Powers and jurisdiction of Stipendiary Magistrate of Thunder Bay.

12. In respect of actions commenced or to be commenced by the issue of process out of the office of the said Deputy Clerk, the Stipendiary Magistrate of Thunder Bay may, subject to an appeal to the Judge, do all such things, and transact all such business, and exercise all such authority and jurisdiction in respect of the same, as by virtue of any Statute or custom, or by the rules and practice in force in the said District Court, are now or under the provisions of this Act may be done, transacted, or exercised by the said Judge sitting at Chambers, except (unless by consent of the parties) in respect of the following proceedings and matters, that is to say:—

(*a*) The referring of causes under the Common Law Procedure Act;

(*b*) Reviewing taxation of costs;

(*c*) Staying proceedings between verdict and judgment;

(2) In such excepted matters, the said Stipendiary Magistrate may issue a Summons, returnable before the Judge, with or without a stay of proceedings, as he may think proper.

(3) In case any matter shall appear to the said Stipendiary Magistrate to be proper for the decision of the Judge, the Stipendiary Magistrate may refer the same to the Judge, and the Judge may either dispose of the matter, or refer the same back to the Stipendiary Magistrate with such directions as he may think fit.

(4) Appeals from the Stipendiary Magistrate's order or decision shall be made by summons, such summons to be taken out within ten days after the decision complained of, or within such further time as may be allowed by the Judge, or by the said Stipendiary Magistrate.

(5) An appeal shall be no stay unless so ordered by the Judge, or Stipendiary Magistrate.

(6) The costs of an appeal shall be in the discretion of the Judge.

(7) The fees and the scale of allowance thereof for all matters done by and before the Stipendiary Magistrate, shall be the same as are authorized for business done by and before the Judge.

(8) The Stipendiary Magistrate in granting any summons or order may impose upon the party obtaining the same, such terms or conditions as he deems expedient.

Costs in certain cases.

13. Where the amount claimed in any action in the said District Court, or where in the case of ejectment or replevin the subject matter of the action, as appearing in the writ in ejectment or in the affidavit filed to obtain the writ in replevin, is beyond the jurisdiction of the County Courts in other parts of Ontario, costs to a successful defendant shall be taxed upon the Superior Court scale.

(2) In like manner where the plaintiff recovers in respect to a clause of action beyond the jurisdiction of the said County Courts, costs shall be taxed to him on the Superior

Court scale, subject however to his obtaining the certificate or order of the Judge where under the Common Law Procedure Act such certificate or order is required in the Superior Courts.

Costs of attorneys.

(3) In respect to any action within the provisions of the first part of this section the Attorney of an unsuccessful plaintiff shall be entitled to charge his client County Court costs only, unless he was instructed in writing by such client to sue in respect to a matter beyond the jurisdiction of the said County Courts, in which case the said Attorney shall be entitled to charge costs upon the Superior Court scale.

Revision of taxation.

(4) Either party may as of right upon giving twenty days notice to the opposite party have the taxation of costs by the Deputy-Clerk revised by the Clerk at Sault Ste. Marie.

Lieutenant-Governor may appoint a sheriff for district of Thunder Bay.

14. The Lieutenant-Governor may appoint a Sheriff of the said District of Thunder Bay, who shall keep an office at Prince Arthur's Landing in the said district, and the appointment of such Sheriff heretofore made is hereby continued during the pleasure of the Lieutenant-Governor.

S. 13 and part of s. 12 of R. S. O., c. repealed.

(2) The thirteenth section of the Revised Statute respecting the Territorial Districts of Muskoka, Parry Sound and Thunder Bay, and all of the twelfth section of the said Statute after the word "Simcoe" shall remain repealed; and the said District of Thunder Bay shall continue separate from the bailiwick of the Sheriff of the District of Algoma.

Writs to whom to be directed.

(3) All writs and other process requiring to be directed to a Sheriff and intended to be executed within the said District of Thunder Bay shall be directed to the said Sheriff of Thunder Bay;

Repeal not to affect certain proceedings of Sheriff of Algoma.

(4) Provided, however, that such repeal, or anything herein contained, shall not prevent the Sheriff of Algoma from proceeding upon, and completing the execution or service within the said District of Thunder Bay, of any writ of mesne or final process in his hands at the time of such repeal, or any renewal thereof, or any subsequent or supplementary writ in the same cause; or in the case of executions against lands, from executing all necessary deeds and conveyances relating to the same; and the acts of the said Sheriff of Algoma in respect of these matters shall be valid in the same manner and to the same extent as if this Act had not been passed, and no further.

R. S. O., c. 16, to apply.

(5) The Revised Statute respecting the office of Sheriff shall apply to the said Sheriff of Thunder Bay, except that it shall not be necessary for the Sheriff to justify in a sum greater than two thousand dollars over and above his just debts, nor shall it be requisite that such Sheriff shall be possessed of real estate to the said amount.

Sheriff not required to effect service until mileage paid.

(6) Neither the Sheriff of Algoma nor the Sheriff of Thunder Bay shall be required to execute or serve any writ, paper or proceeding for any party other than the Crown, until an amount reasonably sufficient to cover his mileage in travelling for the purpose of executing or serving the writ, paper, or proceeding is paid or tendered to him, unless the distance to be travelled for the purpose of such execution or service is less than ten miles.

Provision in case distance less than ten miles.

(7) Where the distance is less than ten miles no such Sheriff shall be required to execute or serve such writ, paper, or proceeding without such reasonable sum as aforesaid being paid or tendered him if he has previously notified the Attorney,

Solicitor, or party whose name is endorsed on such writ, paper, or proceeding, or by whom such service is required, that prepayment of mileage will be required before execution or service of any writ, paper, or proceeding which such Attorney, Solicitor or party may desire to have served.

Time for sales of land limited. R. S. O., c. 175, s. 31.

(8) No Sheriff, Deputy-Sheriff, or other officer shall sell or expose for sale under Execution, any lands or tenements in the District of Algoma, except during the months of July, August, September, or October.

New section substituted for R. S. O., c. 7, s. 16.

15. The following is hereby continued as substituted for the sixteenth section of the Revised Statutes of Ontario, chapter seven:

Any gaol or lock-up erected in the said District of Thunder Bay, under the authority of the Lieutenant-Governor, or any building so declared by order in Council, shall be a common gaol of such District, and of the Provisional Judicial District of Algoma, for the safe custody of persons charged with the commission within the said District of Thunder Bay of crimes, or with the commission therein of offences against any Statutes of this Province, or against any municipal by-law, who may not have been finally committed for trial; or for the safe custody of persons finally committed for trial, charged as aforesaid, who are to be tried within the said District of Thunder Bay; or for the confinement of persons sentenced within the said District for crimes or for offences as aforesaid for periods not exceeding six months; or for the confinement of persons sentenced as aforesaid for periods exceeding six months, until such persons can be conveniently removed to the gaol at Sault Ste. Marie, or other lawful prison to which they are sentenced.

Act to be construed partly with R. S. O., c. 90, and partly with R. S. O., c. 7.

16. The provisions of this Act, so far as they relate to the Districts of Algoma and Nipissing, shall be construed as part of the Revised Statute respecting the administration of justice in unorganized tracts, and so far as they relate to the District of Thunder Bay, they shall be construed as part of the said Revised Statute respecting the Territorial Districts of Muskoka, Parry Sound, and Thunder Bay.

No. 136.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act respecting the Administration of Justice in the Northerly and Westerly parts of Ontario.

First Reading, 26th February, 1880.

The ATTORNEY-GENERAL.

TORONTO:
PRINTED BY C. BLACKETT ROBINSON.

No. 136.] BILL. [1880.

An Act to make further provision respecting the Estates of Persons confined in Asylums for the Insane.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Proceedings against persons confined in public asylums.

1. In case any action, suit or other proceeding is brought against any person confined in a Public Asylum for the Insane as insane, it shall not be sufficient in order to bind the estate of such insane person, or to make the proceedings otherwise valid, to serve any process, bill, paper or other document upon the Inspector of Prisons and Public Charities, although the Inspector is named therein as committee, but the same proceedings shall and may be taken for the appointment of some person or persons to protect the interest of the insane person aforesaid in the action, suit or other proceeding as would be requisite or might be taken if the said Inspector was not the committee of such lunatic under the Revised Statute "respecting Lunatic Asylums and the Custody of Insane Persons."

Proceedings by inspector.

2. Nothing contained in the said Statute shall be construed to make it the duty of the Inspector to institute proceedings on behalf of any insane person confined in any public asylum, or to intervene in respect of his estate, but the Inspector may institute such proceedings and otherwise intervene in respect of the estate of an insane person confined as aforesaid, who has no other committee of his estate, wherever the Inspector considers it expedient in the interest of the estate of the said insane person, or necessary in order to secure, in the manner least burdensome to the estate of the said insane person, moneys due or to become due for his maintenance in an asylum.

Inspector may exercise powers conferred by R.S.O., c. 220, s. 46, in certain cases.

3. The said Inspector may exercise the powers by the forty-sixth section of the said Revised Statute conferred upon him if he thinks it expedient so to do, notwithstanding the property of the insane person is not more than sufficient to maintain the family of the lunatic, and notwithstanding, by reason thereof, it is not the intention of the Government to require payment for the maintenance of the lunatic.

Payment by inspector to family of insane person may be authorized.

4. Where any moneys or other property belonging to the estate of an insane person has been received by the Inspector of Prisons and Public Charities, as the statutory committee of such insane person, and the Lieutenant-Governor in Council does not think it fitting on account of the necessities of the family of such insane person to require from the estate of

such insane person payment of the amount payable for maintenance, or which except for the abatement made by such order would afterwards become payable, the Lieutenant-Governor in Council may by order authorize the Inspector to pay over to any member or members of the family of such insane person, or other person or persons, dependent upon him such amount or amounts as it may not be considered proper to claim in respect of his maintenance, and the Inspector, as such committee, in respect of every amount so paid, shall be as fully discharged as if he had paid the same for the maintenance of the said insane person in the asylum in which he is or has been confined

Costs of inspector a first charge on estate.

5. The costs, charges and expenses which the Inspector of Asylums may incur in respect of the estate of an insane person shall be the first charge upon any moneys coming into the hands of the Inspector and belonging to such estate.

No. 136.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act to make further provision respecting the Estates of Persons confined in Asylums for the Insane.

1st Reading, 26th February, 1880.

The ATTORNEY-GENERAL.

TORONTO:

Printed by C. Blackett Robinson

No. 138.] BILL. [1880.

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and eighty, and for other purposes therein mentioned.

MOST GRACIOUS SOVEREIGN:

Preamble. WHEREAS it appears by Messages from His Honour the Honourable Donald Alexander Macdonald, Lieutenant-Governor of Ontario, and the Estimates accompanying the same, that the sums hereinafter mentioned in the Schedule to this Act are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes, for the year one thousand eight hundred and eighty; may it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

$2,373,003.83 granted out of the Consolidated Revenue Fund for certain purposes. **1.** From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum (not exceeding in the whole) of Two millions three hundred and seventy-three thousand and three dollars and eighty-three cents, for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand eight hundred and eighty, as set forth in Schedule "A" to this Act.

Accounts to be laid before the Legislature. **2.** Accounts in detail of all moneys received on account of this Province, and of all expenditures under this Act shall be laid before the Legislative Assembly at its next sitting.

Unexpended moneys. **3.** Any part of the money appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of December, one thousand eight hundred and eighty, shall not be expended thereafter.

Expenditure to be accounted to Her Majesty. **4.** The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to Her Majesty.

SCHEDULE "A."

Sums granted to Her Majesty by this Act for the year one thousand eight hundred and eighty, and the purposes for which they are granted.

Civil Government.

To defray expenses of the several Departments at Toronto.

Government House	$5,580 00	
Lieutenant-Governor's Office	3,350 00	
Executive Council and Attorney-General's Office	14,470 00	
Education Department	20,800 00	
Crown Lands Department	44,950 00	
Department of Public Works	19,172 00	
Treasury Department	17,450 00	
Department of Agriculture	1,400 00	
Inspection of Public Institutions	7,450 00	
Secretary and Registrar's Office	25,625 00	
Department of Immigration	1,400 00	
Miscellaneous	13,850 00	
		$175,497 00

Legislation.

To defray expenses for Legislation	108,800 00

Administration of Justice.

To defray expenses of :—

Court of Chancery	20,595 00	
Court of Queen's Bench	9,620 00	
Court of Common Pleas	5,310 00	
Superior Judges and Court of Appeal	16,300 00	
Practice and other Courts	4,900 00	
Criminal Justice	164,000 00	
Miscellaneous Justice	66,875 00	
		287,600 00

Education.

To defray expenses of :—

Public and Separate Schools	$240,000 00	
Inspection of Public and Separate Schools	29,630 00	
Schools in New and Poor Townships	13,500 00	
Collegiate Institutes and High Schools	83,000 00	
Inspection of Collegiate and High Schools	7,400 00	
Departmental Examinations	7,600 00	
Training of Public School Teachers	19,539 10	
Superannuated High and Public School Teachers	42,400 00	
Normal and Model Schools, Toronto	21,975 00	
Normal School, Ottawa	12,174 00	
Educational Museum and Library	1,650 00	
Maps, Apparatus, etc	12,000 00	
Educational Depository	8,135 00	
Miscellaneous Expenses of Education	1,966 83	
		500,969 93

PUBLIC INSTITUTIONS—MAINTENANCE.

To defray expenses of :—

Asylum for the Insane, Toronto	$83,238 00	
Asylum for the Insane, London	103,962 00	
Asylum for the Insane, Kingston	55,214 00	
Asylum for the Insane, Hamilton	45,983 00	
Asylum for the Insane, Orillia	20,574 00	
Provincial Reformatory, Penetanguishene	29,664 00	
Central Prison, Toronto	62,070 00	
Institution for the Deaf and Dumb, Belleville	38,033 00	
Institution for the Blind, Brantford	30,139 00	
School of Agriculture, Guelph	23,750 00	
School of Practical Science, Toronto	5,400 00	
Mercer Reformatory for Females, Toronto	11,582 00	
		$509,609 00

IMMIGRATION.

To defray expenses of :—

Agencies in Europe	4,600 00	
Agencies in Canada	3,350 00	
Dominion Government for services by its Agents	20,000 00	
Carriage of Immigrants in Ontario, including Maintenance	8,000 00	
Provisions for same, including Medical attendance	9,000 00	
Immigration pamphlets	5,500 00	
Contingencies	1,000 00	
		$51,450 00

AGRICULTURE, ARTS, LITERARY AND SCIENTIFIC INSTITUTIONS.

To defray expenses of a grant in aid of :—

Electoral Division Societies, 81 at $700	$56,700 00	
Electoral Division Society, 1 at 550	550 00	
Electoral Division Societies, 6 at 350	2,100 00	
" " " outlying Districts	300 00	
Fruit Growers' Association	1,800 00	
Entomological Society	1,000 00	
Dairymen's Associations	3,000 00	
Agricultural Association	10,000 00	
Statistical Bureau	1,000 00	
Poultry Associations	700 00	
For sundry services in connection with Agriculture and Arts, such as investigation of diseases in animals and crops, and of ravages of insects; and for agricultural instruction, dairy products, and other charges not otherwise provided for	2,000 00	

ARTS :

Mechanics' Institutes	27,000 00	
Art Union, Toronto	500 00	
School of Art and Design, Toronto	1,100 00	
School of Art and Design, London	500 00	
Ontario School of Art and Design, Toronto (Special)	3,400 00	

LITERARY :

Canadian Institute, Toronto	750 00	
Institut Canadien, Ottawa	300 00	
Athenæum Ottawa	300 00	
		$113,000 00

Hospitals and Charities.

To defray expenses of a grant in aid of :—

Hospitals and Institutions mentioned in Schedule A of Statute, 37 Vic., chap. 33	$44,514 76	
Institutions in Schedule B	15,891 43	
Institutions in Schedule C	12,426 44	
		$72,832 63

Miscellaneous Expenditure.

To defray Miscellaneous Expenditure as follows :—

License Law	$2,000 00	
Collection of revenue for law stamps and licenses	1,500 00	
Marriage Licenses	400 00	
Ontario Rifle Association	600 00	
Insurance of Public Buildings and Furniture	1,000 00	
Expenses of Elections	2,000 00	
Expenses of Contested Elections	1,000 00	
Revision Voters' Lists	1,000 00	
Gratuities	31,374 83	
Allowance to late Superintendent of Education	4,000 00	
Brock's Monument	500 00	
Allowance to Counties under provisions of 30 Vic. c. 31.	2,232 50	
Grant to aid in establishing a market for Ontario manufactures and agricultural products in European and Foreign Countries	4,500 00	
Aid to *Sanitary Journal*	800 00	
Telephone Service	400 00	
Expenses taking Insane People to Asylums, and Boys and Females to Reformatories	5,250 00	
Expenses of Agricultural Commission	5,000 00	
For the relief of the distress in Ireland	20,000 00	
To defray the expenses of maintaining the rights of the Province to the territory recently awarded	10,000 00	
		$93,557 33

Public Buildings.

To defray expenses at the works at the Asylum for the Insane, Toronto	$10,215 00	
Asylum for the Insane, London	6,190 00	
" " " Hamilton	12,200 00	
" " " Kingston	13,900 00	
" " Idiots, Orillia	1,025 00	
Reformatory, Penetanguishene	25,254 88	
Reformatory for Females, Toronto	14,014 00	
Central Prison, Toronto	1,650 00	
Deaf and Dumb Institute, Belleville	4,762 00	
Blind Institute, Brantford	1,895 88	
School of Agriculture, Guelph	24,000 00	
Normal School and Education Office, Toronto	1,650 00	
Normal School, Ottawa	23,935 00	
School of Practical Science, Toronto	4,359 00	
Osgoode Hall, Toronto	1,500 00	
Government House, Toronto	3,000 00	
Parliament Buildings	1,500 00	
District of Algoma	1,225 00	
Thunder Bay District	1,500 00	
Nipissing District	200 00	
Muskoka District	2,800 00	
New Territory	3,000 00	
		159,775 76

Public Works.

To defray expenses at Muskoka River	$7,800 00	
Mary's and Fairy Lakes	1,400 00	
Gull and Burnt Rivers	8,000 00	
Surveys, Inspections and Arbitrations	5,000 00	
Locks, Dams and Swing Bridges	5,700 00	
Lock-masters' and Bridge-tenders' Salaries	2,000 00	
Otonabee River Works	2,000 00	
Bridge at Des Joachim's Rapids	4,000 00	
Dam at Mountain Lake	1,500 00	
		37,400 00

Colonization Roads.

To defray expenses of Construction and Repairs	95,250 00

Crown Lands Expenditure.

To defray expenses on account of Crown Lands	73,000 00

Refunds.

To defray the expenses of :—

Education	$1,000 00	
Crown Lands	16,000 00	
Municipalities' Fund	16,149 20	
Land Improvement Fund	11,112 98	
		44,262 18

Unforeseen and Unprovided.

To meet unforeseen and unprovided	50,000 00
Total Estimate for 1880	$2,373,003 83

No. 138.

1st Session, 4th Legislature, 43 Vic., 1880.

BILL.

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and eighty, and for other purposes therein mentioned.

First Reading,	4th	March,	1880
Second	"	4th	"	1880.
Third	"	4th	"	1880.

Mr. Wood.

TORONTO
PRINTED BY C. B. ROBINSON, JORDAN STREET.

No. 139.] BILL. [1880.

An Act respecting Municipal Assessments and Exemptions.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, doth enact as follows:—

Assessment of personal property of companies.

1. The personal property of an incorporated company, other than the companies mentioned in the second sub-section of this section, shall be assessed against the company in the same manner as if the company were an unincorporated company or partnership;

(2) The personal property of a bank or of a company which invests the whole or the principal part of its means in gas works, plank or gravel roads, railway and tram-roads, harbours or other works requiring the investment of the whole or principal part of its means in real estate, shall, as hitherto, be exempt from assessment, but the shareholders shall be assessed on the income derived from such companies;

R.S.O. c. 180, s. 29 repealed.

(3) The twenty-ninth section of the Assessment Act is hereby repealed.

Beneficial owner of shares may be assessed.

2. The beneficial owner of shares which do not stand in his own name may be assessed for the income he derives therefrom as if the shares stood in his own name.

Personal property in Province of non-residents assessable like property of residents.

3. All personal property within the Province, the owner of which is not resident in the Province, shall be assessable like the personal property of residents, and whether the same is or is not in the possession or control, or in the hands, of an agent or a trustee on behalf of the non-resident owner; and all such personal property of non-residents may be assessed in the owner's name, as well as in the name of the agent, trustee or other person (if any) who is in the possession or control thereof;

(2) The property shall be assessable in the municipality in which it may happen to be;

(3) This section does not apply to dividends which are payable to, or other choses in action which are owned by and stand in the name of, a person who does not reside in the Province.

No deduction from incomes over $1,000.

4. The deduction of four hundred dollars from the income of a person having an income exceeding that amount shall not be made in case such income exceeds one thousand dollars.

Exemption of salaries of certain officers of Superior Courts abolished.

5. The exemption to which certain officers connected with the Superior Courts were at the time of their appointment and are now entitled by Statute, in respect of their salaries, is hereby abolished as respects all persons who may hereafter be appointed by the Lieutenant-Governor to such offices.

Lawns, &c., may be assessed by by-law.

6. Ground used as a paddock, park, lawn or pleasure ground shall, in the discretion of the council of the municipality, by by-law, be assessed like other ground.

R.S.O., c. 180, s. 24 amended.

7. The twenty-fourth section of the said Act with respect to vacant ground, or ground used as a farm, garden or nursery, in cities, towns or villages, is amended by inserting, after the word "assessors," the following words: "(in case the council so directs)". This amendment is not to apply to such ground in towns and incorporated villages, except in cases where the extent of such grounds exceeds ten acres.

Meaning of "land," &c.

8. The terms Land, Real Property and Real Estate in the Assessment Act, shall be construed to include land covered with water;

(2) The definition of personal estate and personal property in section two, sub-section eight, of the Assessment Act, is hereby amended by striking out the words "shares in incorporated companies," and inserting after the word "stock" in the third line, the words "dividends on shares or stocks of other incorporated companies."

Hearing appeals in certain cases.

9. Where a city, town or village lies in the county which forms part of a county court district, and there is an appeal against an assessment to the extent of $50,000 against one person, or corporation, or against a partnership, or joint owners, the appeal from the Court of Revision shall be to a board consisting of the judges of the counties which constitute the county court district instead of being to the judge alone of the county in which the city, town or village lies; and in such case the clerk of the council shall forthwith notify each of the judges by post (prepaid) of all notices of appeal to the said board which are from time to time served upon him. The judges of the county in which the city, town or village lies, shall arrange a day for the hearing of such appeals, and shall notify the clerk thereof, and the clerk shall immediately notify by post (prepaid) the other judges. The sections of the Assessment Act numbered from 59 to 67 inclusive, shall apply to such appeals, and the said board shall have the powers and duties which, by the said section, are assigned to the county judge therein referred to.

Meaning of "local improvements."

10. The local improvements in respect of which provision is made by the sections of the Municipal Act numbered from 551 to 554 inclusive, shall be construed to include (amongst other things) the deepening of any stream, creek or water course, and the draining of any locality, and reconstructing, as well as constructing, any work, the construction of which is provided for in and by the said sections or by this Act; and the curbing, sodding or planting of any street, lane, alley, square or other public place;

Provision in case of defective or excessive assessment.

(2) If, in any case, the first assessment for any local improvement proves insufficient, the council shall make a second in the same manner, and so on until sufficient moneys shall have been realized to pay for such improvements or works, and if too large a sum shall at any time be raised, the excess shall be refunded ratably to those by whom it was paid.

11. Where owners of real property petition to be specially assessed for a local improvement or service, under the five hundred and fifty-second or five hundred and fifty-fifth section of the Municipal Act, the petition may pray exemption for any period therein named from any general rate or assessment for the like purpose (except the cost of works at the intersection of streets, and except such portion of the general rate as may be imposed to meet the cost of like works opposite real property which is exempt from such special assessment); Real property specially assessed exempt from general rate.

(2) Or the petition, either without specifying any period for such exemption in case such exemption is not acceded to by the council, may pray that the propriety of such exemption and the time the same should continue be determined by arbitration;

(3) The council may, by the by-law to be passed in that behalf, under the said Act, accede to the exemption (if any) mentioned in the petition, or in case the petition requests an arbitration, the council may accede to the proposal for an arbitration;

(4) In case the matter is to be determined by arbitration, a sole arbitrator shall be chosen for the purpose by the county court judge, unless some person or persons is or are agreed to in that behalf by the petitioners and the council;

(5) Wherever, by reason of a special assessment, the owners are exempted from a general rate for the like purpose, as aforesaid, the council shall, from year to year, by by-law directing the general rate of assessment, or by some other by-law, state what proportion of the general rate is for purposes for which there is such special assessment in any part of the municipality, and shall state the same in such manner as may give effect to this section;

(3) Until a by-law is passed containing such statement, none of the money raised by general rate on real property specially assessed or rated for any work or service hereafter executed, shall be applied to any work or service of the same character in any part of the municipality.

12. The municipal council of any city, town or incorporated village may, by a by-law, passed with the assent of the electors according to the provisions of the Revised Municipal Act, direct that all future expenditure in the municipality for the improvements and services, or for any class or classes of improvement or service, for which special provisions are made in the sections of the said Revised Municipal Act numbered from 551 to 555, as explained or extended by this Act, be by special assessment on the property benefited, and not exempt by law from assessment; and in such cases a petition from the owners of the property benefited shall not be necessary; By-laws directing improvements to be made by local assessment.

(2) After such a by-law has been passed in manner aforesaid, it shall not be repealed without the like assent of the electors; and, in case of such repeal, the preceding section, with respect to freedom from any general rate or assessment of property which is subject to a special rate, shall apply to all property which had been specially rated or assessed for such improvement or service, while the repealed by-law was in force. The time the exemption is to cease is to be determined in each or any case by arbitration, and the arbitrator is to be appointed by the county judge, on the application of the council. Repeal of by-laws.

Assessment on places of worship for local improvements.

13 In case of such by-law being passed as mentioned in the twelfth section, or if where no such by-law has been passed, the corporation, trustees, or other persons in whom is vested any land on which a place of worship is erected or land used in connection therewith, do not join in a petition for a local improvement under the 552nd section of the Municipal Act, but two-thirds of the other owners of the real property to be benefited by the proposed improvement, representing at least one-half in value of the remaining property, petition as in the said 552nd section mentioned, the municipal council may, by the by-law to be passed in that behalf, require the corporation, trustees, and other persons aforesaid, and the said place of worship and land connected therewith, to be assessed for the improvement, in the same manner and to the same extent as the other owners and land benefited by the improvement ;

(2) In case of no such by-law being passed as mentioned in the twelfth section, if the corporation, trustees, or other persons in whom is vested any place of worship or land used in connection therewith, join in such petition, and two-thirds of the owners of the real property to be benefited by the proposed improvement (including the corporation, trustees, or other persons aforesaid), representing at least one-half in value of the property, including the said property so vested in the corporation, trustees, or other persons aforesaid, petition as in the said 552nd section mentioned, such corporation, trustees and other persons, and the property aforesaid, shall be assessable as in the case of other owners and other property benefited by the improvement.

Certain part of improvements may be charged on general rates.

14. In case of a special assessment on property benefited by local improvement, whether under a general authority for the purpose as provided for in the twelfth section or upon petition of the owners under the 552nd section of the Municipal Act, the council of the municipality (if they think fit) may by by-law provide for constructing, at the expense of the general funds of the municipality, such part of the local improvement as is situate upon or in that part of any street, lane, alley, public place, or square, which is intersected by any other said street, lane, alley, public place, or square, or as would otherwise fall on property exempt from assessment ; and the Council may provide for the cost in the general rates or taxes for the year, or by the issue of debentures, or in such other manner not inconsistent with the provisions of this Act, or any special Act, as to said council may seem best, and subject to such by-laws as the council may pass in that behalf.

Statement to be furnished by officer of corporation to assessor.

15. Every corporation whose dividends are liable to taxation as against the shareholders, shall, at the written request of the assessor of any municipality in which there is or are any person or persons liable to be assessed for income derived from stock in such corporation (such written request to be communicated by delivering the same to the principal officer of the corporation in this Province, or by leaving the same at the principal office in the Province, or to be made by registered letter, prepaid, addressed to the corporation at the place of such principal office) and within thirty days after the delivery, leaving or posting of such written request, deliver to such assessor, or send to him in a registered letter, prepaid, a statement in writing setting

forth the names of the shareholders who are resident in such municipality, or who ought to be assessed for their income by such municipality, the amount of stock held by every such person on the day named for that purpose by the assessor in his said written request, and the amount of dividends and bonuses declared during the twelve months next preceding; which statement in writing to be so furnished to the assessor shall contain also a certificate under the hand of the principal officer of the corporation in the Province, declaring that the same contains, to the best of the knowledge and belief of such officer, a correct list of such shareholders, and of the amount of stock held by each on the day so named by the assessor, so far as appears from the books of the corporation or so far as is known otherwise by such officer. The thirty-ninth section of the Assessment Act shall be read as applying to this section. The fine for default shall be one hundred dollars.

R.S.O., c. 180, s. 39 to apply.

16. To render valid a by-law of any municipality for granting a bonus in aid of a railway or for promoting any manufacture, the assent shall be necessary of the majority of all ratepayers who were entitled to vote on the by-law; such assent to be ascertained as hitherto; and, in addition to the certificate required by the three hundred and tenth section of the Municipal Act, the clerk, in case of the majority of votes being in favour of the by-law, shall further certify whether or not, so far as shewn by the voters' list and assessment roll, such majority appears to be a majority of all the voters who were entitled to vote on the by-law; and, in case of dispute as to the result of the vote, the judge shall have the same powers for determining the question as he has in any case of a scrutiny of the votes;

Provisions as to bonus by-laws.

(2) The petition to the judge may be by any elector, or by the council; and the proceedings for obtaining the judge's decision shall be the same, as nearly as may be, as in the case of a scrutiny;

(3) This section shall go into force on the thirty-first day of December next, and shall apply to all Acts passed during the present session of the Legislature, and to by-laws thereby authorized, for any of the said purposes, as well as to other Acts and any by-laws which may be hereafter passed thereunder.

17. So much of any enactment in private and other Acts heretofore passed, or passed at the present session of the Legislature, as authorizes or provides for the grouping or joining together of municipalities or a municipality, or part of any municipalities or municipality with part of another municipality or parts of other municipalities, for the purpose of granting municipal aid to any railway or railway company, is hereby repealed and declared to be inoperative. This section shall go into effect forthwith.

Grouping clauses in railway Acts repealed.

18. If any municipality is dissatisfied with the action of any county council in increasing or decreasing or refusing to increase or decrease the valuation of any municipality, the proceedings shall be as follows:

Appeal by municipalities against valuations by county council.

(1) The municipality so dissatisfied may appeal from the decision of the council at any time within ten days after such decision, by giving to the clerk of the county council notice

in writing, which notice shall state whether the municipality appealing is willing to have the final equalization of the assessment made by the county judge ;

(2) Every county council, at the same session in which the assessment has been equalized, shall determine whether the said council is willing to have the final equalization of the assessment in case of appeal made by the county judge ;

(3) Upon receiving notice of appeal, in case any party to the appeal has objected to the final equalization of the assessment being made by the county judge, the clerk of the county council shall forthwith notify in writing the Provincial Secretary of such objection, giving the name or names of the municipality or municipalities so objecting ;

(4) The Lieutenant-Governor in Council, upon receiving the notice in writing from the clerk of any county council, may appoint two persons, one of whom shall be the sheriff or registrar of the county in which the appeal is made, and the other a judge of another county, who together with the county judge shall form a court, in place of the court, and shall have all the powers and duties heretofore belonging to the court constituted for the same purpose by the thirty-third section of the Municipal Amendment Act of 1879, and the said court shall at such time and place as the Lieutenant-Governor in Council may appoint, proceed to hear and determine the matter of appeal, or may adjourn from time to time, and the judgment of the said court shall not be deferred beyond the first day of August next, after the notice of the appeal ;

(5) The judge of the other county shall be entitled to a reasonable allowance for his services, the same not to exceed ten dollars a day, besides his travelling and other expenses, and to be paid by the county ;

(6) Where all the parties to the appeal have agreed, as above provided, to have the final equalization of the assessment made by the county judge, the clerk of the county council shall forthwith notify in writing, the county judge, and the county judge shall appoint a day for hearing the appeal, as heretofore, and may on such day proceed to hear and determine the matter of appeal, as heretofore, and may adjourn the hearing from time to time, but the judgment shall not be deferred beyond the first day of August next after such appeal.

R.S.O., c. 180, s. 33 amended.

19. The thirty-third section of the Assessment Act is amended by striking out the words "an annual," and substituting therefor the word "any."

Section 45 amended.

20. The forty-fifth section of the Assessment Act is hereby repealed, and the following substituted therefor :

Payment of taxes by instalments.

(45) In cities, towns or incorporated villages the council may, by by-law, require the payment of taxes to be made into the office of the treasurer or collector by a day or days to be named therein, in bulk or by instalments, and may by such by-law allow a discount for the prompt payment of such taxes, or any instalment thereof, on or before the day or days on which the same shall be made payable, and may by such by-law impose an additional percentage-charge on every unpaid tax or assessment or instalment thereof, which shall be added to such unpaid tax or assessment or instalment thereof, and be collected by the collectors as if the same had originally been imposed and formed part of such unpaid tax or assessment or instalment thereof.

21. The council of every township shall have the power to pass by-laws to reduce the amount of statute labour to be performed by the ratepayers or others within said township, or to entirely abolish such statute labour and the performance thereof by all persons within said township. Power to reduce or abolish statute labour.

22. Save where otherwise hereinbefore declared, the provisions of this Act shall come into force and take effect on the first day of January next, except as to cities and towns separate from the county, and as to these this Act shall come into operation and be in force on, from and after the first day of July next. Time Act to take effect.

23. All enactments inconsistent with this Act, though not herein expressly mentioned in that behalf, are hereby repealed so far as as they are inconsistent with this Act. Inconsistent enactments repealed.

No. 139.

1st Session, 4th Legislature, 43 Vic., 1880

BILL.

An Act respecting Municipal Assessments and Exemptions.

1st Reading, 5th March, 1880.

2nd " 5th " 1880.

3rd " 5th " 1880.

The ATTORNEY-GENERAL.

TORONTO:
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